

EXHIBIT 405

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION

4 In re: NATIONAL PRESCRIPTION) CASE NO.
5 OPIATE LITIGATION) 1:17-MD-2804
6)
7 APPLIES TO ALL CASES) Hon. Dan A. Polster

8
9 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
10 CONFIDENTIALITY REVIEW

11
12 DEPOSITION FOR PLAINTIFF

13 *** *** ***

14 DEPONENT: SHAUNA HELFRICH

15 DATE: JANUARY 10, 2019

16 *** *** ***

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1 The deposition of SHAUNA HELFRICH taken on
2 discovery, pursuant to Notice heretofore filed, in the
3 Latitude Room, 2nd Floor, of Le Meridien Indianapolis,
4 123 South Illinois Street, Indianapolis, Indiana, on
5 January 10, 2019, at approximately 8:22 a.m.; upon
6 oral examination, and to be used in accordance with
7 the Federal Rules of Civil Procedures.

8

9 * * *

10

11 THE VIDEOGRAPHER: We are now on the record.
12 My name is Ben Stanson. I'm a videographer for Golkow
13 Litigations Services. Today's date is January 10,
14 2018, and the time is 8:22 a.m.

15 This video deposition is being held in
16 Indianapolis, Indiana, in the matter of National
17 Prescription Opioid Litigation, MDL No. 2084 pending
18 in the United States District Court for the eastern
19 district of Ohio.

20 The witness is Shauna Helfrich.

21 Counsel, please identify yourselves for the
22 record?

23 MR. GOETZ: Dan Goetz on behalf of
24 plaintiffs.

25 MR. ROOF: Brian Roof on behalf of

1 plaintiffs.

2 MS. HARMON: Sarah Harmon for Cardinal
3 Health.

4 MR. DELINSKY: Eric Delinsky, Zuckerman
5 Spaeder on behalf CVS Indiana, LLC; CVS Rx Services,
6 Inc, and on behalf of Ms. Helfrich as well.

7 THE VIDEOGRAPHER: The court reporter is Kim
8 Keene.

9 Will you please swear in the witness?
10

11 * * *

12 SHAUNA HELFRICH, after having first been duly
13 administered an oath, testified as follows:

14 * * *
15

16 EXAMINATION

17 BY MR. GOETZ:

18 Q. And am I pronouncing your name correctly?
19 Helfrich?

20 A. Uh-huh.

21 Q. When did you come to work for CVS?

22 A. I can't recall the exact date. Possibly in
23 October, the end of October, I believe.

24 Q. Of what year?

25 A. Of 2012.

1 Q. And when you started at the end of October of
2 2012, who was your employer?

3 A. CVS Pharmacy, Indianapolis.

4 Q. Is that the name of the company you worked
5 for?

6 A. Yes.

7 Q. Is that the name of the company you currently
8 work for?

9 A. I believe so, yes.

10 (CVS-Helfrich-43 was marked for
11 identification.)

12 Q. Okay. I'm going to hand you Exhibit 43. We
13 are not actually putting these up on the screen.

14 Throughout the day as we hand you exhibits,
15 if you want to look, the exhibits will actually go up
16 on the screen, but these were not -- that's for the
17 jury to see. These aren't really necessary.

18 A. Okay.

19 Q. Does this refresh your recollection of when
20 you came to work for CVS?

21 A. I can't really recall. It has -- has the
22 date of 11-16, so...

23 Q. That was your first paycheck from CVS --

24 A. Okay.

25 Q. -- correct, according to the records?

1 A. Yeah.

2 Q. Okay. And these actually reflect your time
3 records, I believe, and your payment through
4 9-19-2014.

5 A. Yes.

6 Q. Okay. As you look at them, do they seem
7 generally accurate?

8 A. Uh-huh.

9 MR. DELINSKY: Object to form.

10 A. That I -- I cannot say.

11 Q. Do you have any reason to dispute that the
12 hours shown are wrong?

13 MR. DELINSKY: Object to form.

14 A. I can't really -- I -- see -- I really can't
15 say. I don't -- I don't have my records.

16 Q. Well, you can put that aside. We will move
17 on.

18 If we have time, we will come back to that.

19 Who is Frank Helfrich?

20 A. My father.

21 Q. And what does Frank Helfrich do?

22 A. He is logistics ops manager.

23 Q. For -- for whom?

24 A. CVS dis...

25 Q. How long has he been --

1 MR. DELINSKY: I'm sorry, Dan. I just want
2 to make sure. Shauna's voice is a little -- is quiet,
3 so -- you said CVS?

4 A. Distribution center.

5 Q. Okay. Is that the same place you work?

6 A. Yes.

7 Q. Okay. That's the same place that you went to
8 work in 2012 and -- is that correct?

9 A. Yes.

10 Q. Is that how you got your job? Through your
11 father?

12 A. No. He informed me that there was an
13 opening, but my application and everything was pulled
14 by their HR department.

15 Q. Okay. What is your educational background?

16 A. I have a high school diploma.

17 Q. When?

18 A. 20 -- 2003.

19 Q. 2003.

20 And after high school, do you have any other
21 college, any training, any other training?

22 A. No.

23 Q. And after high school, graduating high
24 school, where did you go to work?

25 A. Right after -- out of high school, I worked

1 at a law firm.

2 Q. For how long?

3 A. I can't -- the exact, I want to say maybe
4 about seven years or so.

5 Q. Till around 2010?

6 A. Yeah. I think so.

7 Q. Okay.

8 A. I'm not sure.

9 Q. What did you do after that?

10 A. I moved to Florida.

11 Q. You moved to Florida?

12 A. Uh-huh.

13 Q. And you did what in Florida?

14 A. I volunteered at a wildlife refuge.

15 Q. How long did do you that?

16 A. Florida? Maybe only a couple of years,
17 maybe. I don't -- I can't recall how long I was -- I
18 know it wasn't for very long I was there.

19 Q. Okay. In between working at a law firm and
20 coming to CVS in either October or November of 2012,
21 did you do anything other than volunteer at a wildlife
22 refuge?

23 A. No.

24 Q. What did you do at the wildlife refuge?

25 A. Fostered and took care of animals.

1 Q. And what did you do at the law firm for seven
2 years?

3 A. I was a legal assistant.

4 Q. Meaning what?

5 A. I helped prepare correspondence and emails
6 and other documentation.

7 Q. For what type of practice?

8 A. Corporate.

9 Q. There was no regulatory aspect to your legal
10 assisting, was there?

11 MR. DELINSKY: Object to the form.

12 A. What are you saying?

13 Q. Did you work with the Controlled Substances
14 Act as part of your work at the law firm?

15 A. No.

16 Q. Okay. Did you work with anything related to
17 the DEA as part of your work at the law firm?

18 A. Not that I can recall.

19 Q. When you came to CVS in October or November
20 of 2012, what was your title?

21 A. I was an RX picker.

22 Q. What is that?

23 A. You work in the RX department and you pick
24 the orders.

25 Q. How long were you an RX picker?

1 A. I do not know how long I was classified as an
2 RX picker.

3 Q. So, how long did you pick orders?

4 A. Honestly, I can't -- I don't -- I don't
5 really know and -- the exact dates, possibly 2013. I
6 was continuously picking. I can't exactly remember
7 the exact dates in which I stopped picking and went to
8 SOM.

9 MR. DELINSKY: And you'll hear that a lot.
10 That's S-O-M.

11 Q. And when you had a -- when you went to SOM,
12 can you give me a period? Was it the fall of 2013?
13 The winter of 2013?

14 A. When I went to SOM full-time? Maybe -- maybe
15 fall, I don't -- I honestly, I don't know the exact
16 dates.

17 Q. When you say "maybe fall," are we talking
18 about October of 2013?

19 Do you have any idea?

20 A. I have no idea.

21 Q. When you went to SOM, did you go full-time?

22 A. No. I -- I was help -- I would help out here
23 and there with SOM from when I started, whenever they
24 needed help, I would help.

25 Q. When you went -- you started part-time,

1 correct?

2 A. Yes.

3 Q. When you went full-time, were you in SOM or
4 were you a picker?

5 A. When my -- are you asking when my status
6 changed from a part-time associate to a full-time
7 associate?

8 Q. Yes.

9 A. That, I do not know. I don't -- I don't know
10 if I was -- if I went full-time for SOM or if I went
11 full-time before SOM.

12 Q. Well, as a picker, can you tell me what you
13 did?

14 A. We had a -- you would pick up an order, and
15 you would go through the bays and pick the product and
16 put it in the tote.

17 Q. You said the base?

18 A. The bays.

19 Q. The bays?

20 A. There are bays.

21 Q. What were you picking?

22 A. That I'm -- I -- I don't know. I know it
23 wasn't the controlled substances. They were --
24 because it wasn't in the cage. I'm not for sure
25 exactly.

1 Q. Did you ever work in the cage?

2 A. No.

3 Q. So you never ever were a picker for
4 controlled substances?

5 A. No.

6 Q. When you were a picker, which we don't know
7 the time period, did you have a chance to visualize
8 the cage?

9 MR. DELINSKY: Object to the form.

10 A. To see the cage?

11 Q. Yeah.

12 A. I was in the RX department.

13 Q. You were in the RX department?

14 A. Yeah. The cage is within the RX
15 department.

16 Q. Okay. And in that period, how big was that
17 cage?

18 A. That I do not re -- I don't -- I don't really
19 know.

20 Q. Can you give me an estimate?

21 A. I really -- I can't.

22 Q. How many bays were in the cage?

23 A. That I -- I don't know. I was not in the
24 cage, so...

25 Q. Do you know who was in the cage --

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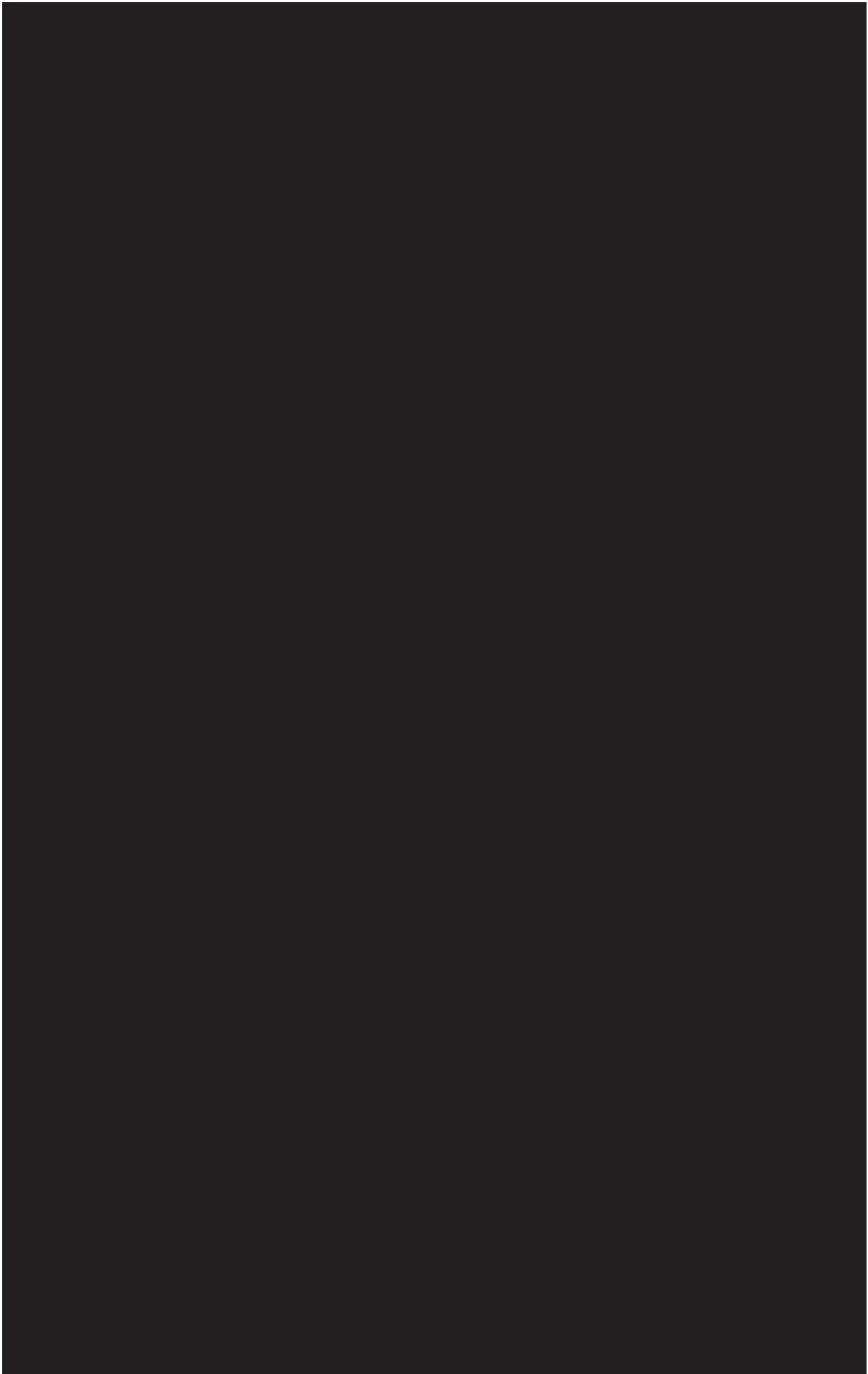
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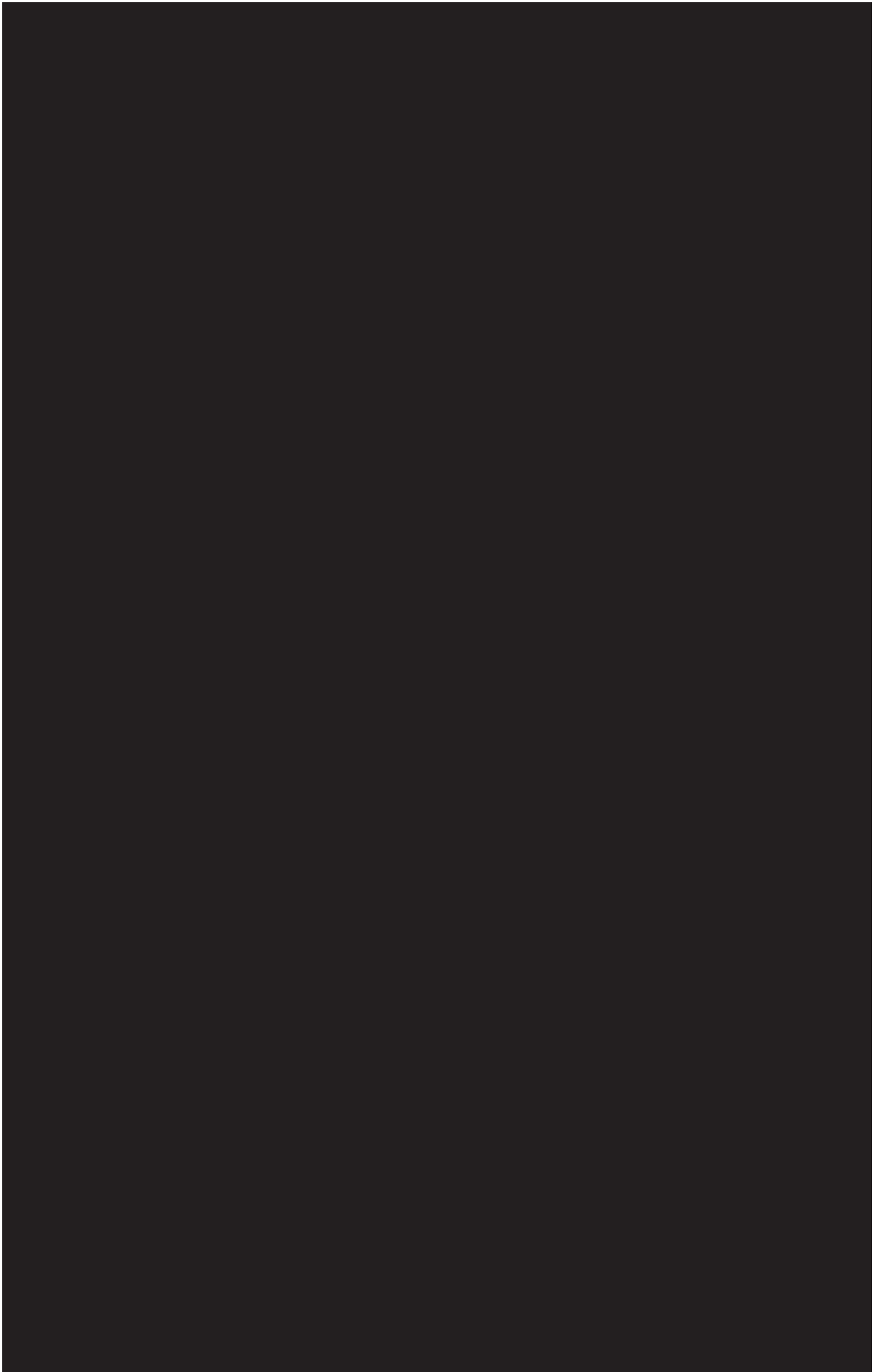
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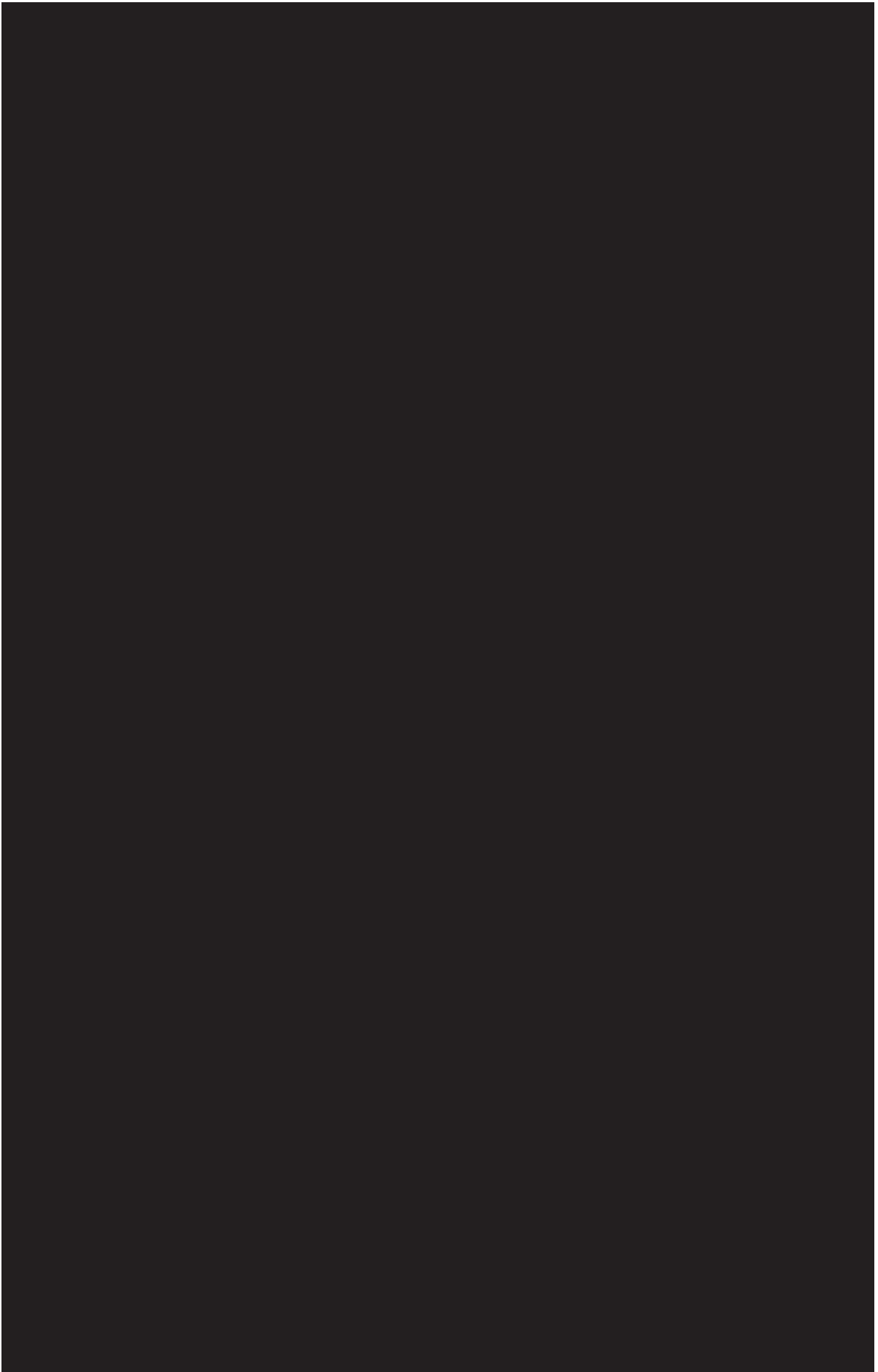
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19 Q. You ultimately became the SOM manager, didn't
20 you?

21 A. No.

22 Q. No? Did you replace the SOM manager?

23 A. No.

24 Q. No?

25

1 (CVS-Helfrich-41 was marked for
2 identification.)

3 I'm going to show you Exhibit 41.

4 MR. DELINSKY: I would like to take a break.
5 Can we do it now? Is that okay?

6 MR. GOETZ: Now is fine.

7 MR. DELINSKY: Thank you.

8 THE VIDEOGRAPHER: We are off the record at
9 9:02 a.m.

10 (There was a brief recess.)

11 THE VIDEOGRAPHER: We are back on the record
12 at 9:10 a.m.

13 BY MR. GOETZ:

14 Q. Ms. Helfrich, when you earlier were saying
15 Aaron, you were speaking of Aaron Burtner; is that
16 correct?

17 A. Yes.

18 Q. Yes?

19 A. Yes.

20 Q. Okay. And there came a point in time when
21 Aaron Burtner left, correct?

22 A. Yes.

23 Q. Do you know when that was?

24 A. I do not recall. I don't -- I don't
25 remember.

1 Q. Okay. When Mr. Burtner was working in the
2 SOM at CVS Indiana, you were assisting him, correct?

3 A. Yes.

4 Q. Was there anybody else working in that
5 department at that time?

6 MR. DELINSKY: Object to the form.

7 THE WITNESS: Kelly Baker. I believe, I
8 can't -- he was there. Gary Millikan helped
9 periodically when needed.

10 I can't exactly recall. Let me see. I'm not
11 for certain if pharma compliance came on board at that
12 time or not.

13 Q. Do you know when Kelly Baker left the CVS
14 Indiana distribution center?

15 A. That, I do not remember.

16 Q. Can you give me a guess?

17 A. Guessing? Maybe possibly later in 2013,
18 maybe like the later -- maybe December.

19 Q. And when Mr. Burtner left, they went to
20 pharma compliance for somebody to run the SOM; is that
21 correct?

22 MR. DELINSKY: Object to form.

23 THE WITNESS: I can't -- I can't remember
24 when they came on. I don't know. I can't remember if
25 it was -- it may have been after Aaron left.

1 Q. When Kelly Baker was at the CVS Indiana, was
2 it your understanding that he was the SOM manager?

3 MR. DELINSKY: Object to form.

4 THE WITNESS: I have -- I have no idea if he
5 was ever given that position. Me, personally, I
6 thought he was still an analyst.

7 Q. Okay. I'm handing you what has been marked
8 as CVS-Helfrich-41. It starts at Bates No. CVS118312.

9 That is an email that I do not believe you
10 were copied on. I could -- I'm sorry. I'm wrong.
11 You are copied on it.

12 Do you know who John Mortelliti is?

13 A. I've heard of the name, but no.

14 Q. John Mortelliti, in the first sentence at the
15 top, do you see that? What he says?

16 MR. DELINSKY: Ms. Helfrich, do you need to
17 read that?

18 THE WITNESS: Yes.

19 BY MR. GOETZ:

20 Q. Ms. Helfrich, you are more than welcome to
21 read the email, but I promise you, to the extent I'm
22 asking you questions, I'll point it out.

23 If you want to read the whole email, that's
24 fine.

25 A. Okay.

1 Q. That first sentence, tell me if I'm reading
2 this correctly, it says, "Shauna is replacing our SOM
3 manager and is responsible for DEA compliance."

4 I had earlier asked you if you were the SOM
5 manager ever, and you said, "No."

6 A. Correct.

7 Q. Were you not informed of this?

8 A. I honestly -- to my understanding, I was an
9 analyst. I -- I can't really comment what John
10 Mortelliti was referencing or -- but to my knowledge,
11 I was -- I was a SOM analyst.

12 Q. Okay. Were you ever told you were
13 responsible for DEA compliance?

14 A. No.

15 Q. No?

16 Could you go back to the second page of that
17 document, please?

18 And it says -- there is an email from Pam
19 Hinkle that says, tell me if I'm reading it correctly,
20 "Novistor is Viper that no longer functional and is
21 probably why it was denied."

22 Do you know when Viper became no longer
23 functional?

24 A. I do not.

25 Q. You had been looking for, according to the

1 email down below, Viper access for months as of
2 November of '13, correct?

3 MR. DELINSKY: Object to form.

4 THE WITNESS: According to Bill Klenotic,
5 that's what it reads.

6 Q. Do you remember that?

7 A. I -- I can't ever really recall, as far as I
8 remember, needing that access.

9 Q. So you don't recall ever needing to access
10 Viper?

11 MR. DELINSKY: Object to form.

12 THE WITNESS: No. I recall not having that
13 access. It was -- it's been -- I just can't recall
14 not having access to a program that I needed.

15 Q. So am I correct, I just want to make sure
16 that I understand your testimony: You don't have an
17 independent memory of this, but you -- to your
18 knowledge, everything you thought you needed, you had
19 access to?

20 MR. DELINSKY: Object to form.

21 THE WITNESS: Yes, reading this email, I
22 believe I had access to what I needed when I needed
23 it.

24 Q. You were copied on this email, correct, on
25 November 6 of '13?

1 A. Yes.

2 Q. And according to this email string, you never
3 responded, correct?

4 A. No.

5 Q. That's correct?

6 A. Yes.

7 Q. So you never responded and said, "I don't
8 need access. I have everything I need," correct?

9 A. I never responded.

10 Q. When you started at CVS, we spoke a little
11 bit about your training.

12 Were you aware of the opioid epidemic?

13 MR. DELINSKY: Object to form.

14 THE WITNESS: I can't exactly recall what I
15 knew back then, but I know that there were drugs that
16 could be abused and diverted.

17 But an epidemic, I don't necessarily think
18 I'm actually qualified to establish whether there was
19 an epidemic or not. But, I mean, I knew there were
20 drugs that were abused.

21 Q. When you went to work in the SOM at CVS, the
22 Suspicious Order Monitoring, were you aware that you
23 were going to be monitoring hydrocodone combination
24 products which are an opioid?

25 MR. DELINSKY: Object to form.

1 THE WITNESS: When I worked for SOM, I knew
2 there was going to be, yes, various drugs that I would
3 monitor; hydro being one of them.

4 Q. Okay. And were you aware of an epidemic
5 surrounding hydro or HCPs?

6 MR. DELINSKY: Object to form.

7 THE WITNESS: I knew they could be abused. I
8 don't think I can really comment on epidemic.

9 Q. Did anybody at CVS, when you were at the --
10 in the SOM department, tell you that there was an
11 epidemic of hydrocodone combination products?

12 A. Not that I can remember.

13 Q. Okay. You never got any training surrounding
14 the prevalence of hydrocodone combination products?

15 MR. DELINSKY: Object to form.

16 THE WITNESS: Not that I can remember.

17 Q. Did anybody ever tell you that your role in
18 the Suspicious Order Monitoring Program would be
19 critical as it relates to hydrocodone combination
20 products?

21 MR. DELINSKY: Object to form.

22 THE WITNESS: I don't remember that exactly
23 being said. I mean, I know they voiced how important
24 SOM was.

25 Q. How did they voice it?

1 A. Well, I can remember possibly what the SOM --
2 what SOM was for and how important that was.

3 Q. What was SOM for, as you said?

4 A. SOM was for monitoring potentially suspicious
5 orders.

6 Q. Suspicious orders of what?

7 MR. DELINSKY: Object to form.

8 THE WITNESS: Potentially suspicious
9 orders.

10 Q. Of what?

11 A. That were -- that hit our IRR.

12 Q. Okay. I don't fully follow you, but I think
13 we'll figure it out later.

14 (CVS-Helfrich-18 was marked for
15 identification.)

16 Q. I'm showing you Helfrich-18. These are
17 statistics from the United States Drug Enforcement
18 Administration.

19 Do you see the first bullet point?

20 A. Yes.

21 Q. And could you read that, please?

22 MR. DELINSKY: Object to form.

23 THE WITNESS: "The US was the country with
24 the highest consumption of hydrocodone. Approximately
25 45.5 tons or 99 percent of global consumption."

1 Q. That was the drug you were monitoring as part
2 of SOM, correct?

3 MR. DELINSKY: Object to form.

4 THE WITNESS: Yes.

5 Q. Okay. And no one ever told you that the US
6 consumed 99 percent of the hydrocodone in the United
7 States, did they?

8 A. No.

9 Q. Okay. Do you think that would have been
10 helpful to know?

11 A. I don't -- I know my job was to review orders
12 to the best of my ability thorough. I would presume
13 if this was something that I needed to know, I would
14 have been -- I would have been informed.

15 Q. Okay. You have that much faith in CVS?

16 A. I have that much faith in what I did.

17 Q. But you said you would have been informed had
18 you needed to know?

19 A. Uh-huh.

20 Q. Who would have informed you?

21 A. That, I do not know.

22 Q. Somebody at CVS would have informed you?

23 A. I would presume so.

24 Q. Somebody at CVS never told you, you were
25 responsible for DEA compliance, did they?

1 MR. DELINSKY: Object to form.

2 THE WITNESS: From what I can recall, no.

3 Q. Okay. So somebody at CVS never told you that
4 you were the SOM manager, did they?

5 MR. DELINSKY: Object to form.

6 THE WITNESS: From what I can recall, no.

7 (CVS-Helfrich-19 was marked for
8 identification.)

9 Q. I'm handing you what has been marked as
10 Exhibit 19.

11 CVS Indiana, your distribution center,
12 delivered HCPs.

13 Do you know what I'm talking about when I say
14 HCPs?

15 MR. DELINSKY: Object to form.

16 THE WITNESS: Hydrocodone?

17 Q. Combination products?

18 A. Yes.

19 Q. Okay. And you are aware that's an opioid?

20 A. Yeah.

21 Q. Okay. CVS Indiana distribution center that
22 you worked at, are you aware that they delivered HCPs
23 to Ohio?

24 A. During?

25 MR. DELINSKY: Object to form.

1 Q. While you were there.

2 A. While I was --

3 Q. Yeah.

4 A. -- doing SOM?

5 MR. DELINSKY: I object to the form of the
6 question.

7 You may answer, Ms. Helfrich.

8 MR. GOETZ: I'm not sure -- can you tell me
9 why? I mean, I'm asking her if she is aware if while
10 she was at CVS Indiana, they were directing HCPs to
11 Ohio.

12 MR. DELINSKY: Okay. And the form of
13 objection is that CVS -- the distribution center in
14 Indiana, on behalf of CVS, distributed to CVS
15 pharmacies. It didn't distribute to Ohio at large.

16 That was the basis of my objection.

17 BY MR. GOETZ:

18 Q. Do you understand what I was asking you?

19 Did you understand that I was asking you if
20 the distribution center you worked at in Indiana,
21 whether -- when I said they distributed to Ohio, that
22 I was speaking about Ohio CVS pharmacies?

23 A. Yes.

24 Q. And, in fact, let's be fair, the CVS
25 distribution center in Indiana only distributed to CVS

1 pharmacies?

2 A. I believe so.

3 Q. Okay. Now, when you were at the distribution
4 center in Indiana in the Suspicious Order Monitoring
5 Program, they distributed hydrocodone combination
6 products to CVS pharmacies in Ohio.

7 Are you aware of that?

8 A. At the time doing SOM, I can't exactly recall
9 whether I did or not.

10 Q. You don't remember that they were
11 distributing to Ohio, as you sit here today?

12 You don't have that memory?

13 MR. DELINSKY: Object to form. You can
14 answer, Ms. Helfrich.

15 THE WITNESS: I don't really know what -- who
16 or where Indiana DC delivers.

17 Q. Okay. Are you aware that they were
18 delivering hydrocodone combination products to CVS
19 pharmacies in Cuyahoga and Summit County?

20 A. I -- I don't remember.

21 Q. And part of the reason you don't remember
22 might be because when you were reviewing IRRs, you
23 were reviewing IRRs for the entire country, weren't
24 you?

25 MR. DELINSKY: Object to form.

1 THE WITNESS: For all of our DCs, for -- I
2 can't exactly recall.

3 At some point in 2014, they started going
4 over to the new system, so it wasn't the whole time.

5 Q. Before they migrated to the new system in
6 2014, while you were there at CVS Indiana, they were
7 reviewing the Item Review Reports for all 11
8 distribution centers in the United States?

9 MR. DELINSKY: Object to form.

10 THE WITNESS: I believe so, yes.

11 Q. Okay. Are you aware that this first trial
12 involves two of the largest counties in Ohio?

13 A. No.

14 Q. Okay. So you have no knowledge that this
15 first trial involves two of the largest counties in
16 Ohio that have been decimated by the opioid crisis?

17 MR. DELINSKY: Object.

18 BY MR. GOETZ:

19 Q. Are you aware of that?

20 MR. DELINSKY: Object to form.

21 THE WITNESS: I'm not for certain that the --
22 the two counties or -- I'm not familiar with how
23 they're affected.

24 Q. Are you aware how the state was affected by
25 the opioid crisis?

1 A. No.

2 Q. Okay. Could you read the first paragraph,
3 please, where it begins, "Drug overdose deaths..."?

4 A. "Unintentional drug overdose" --

5 Q. No, I apologize. First paragraph.

6 A. "Drug overdose deaths continue to be a public
7 health crisis in Ohio with a 366 percent increase in
8 the number of deaths from 2000 to 2012."

9 Q. Were you aware of that when you were doing
10 SOM?

11 MR. DELINSKY: Object to form.

12 THE WITNESS: I don't know, no.

13 Q. Can you read the second bullet point that
14 begins with "In 2012..."?

15 A. "In 2012, five Ohioans died every day from
16 unintentional drug overdose or one every five hours."

17 Q. If those statistics hold today, while we are
18 here today, two Ohioans will die from drug overdose.

19 Were you aware of those statistics when you
20 were doing SOM?

21 MR. DELINSKY: Object to form.

22 THE WITNESS: No.

23 Q. Okay. Could you read the bullet point that
24 begins "Opioids" and then the open paren?

25 A. "Opioids, prescription or heroin, remain the

1 driving factor behind the unintentional drug overdose
2 epidemic in Ohio. Approximately two-thirds or 1,272,
3 66.5 percent, of the drug overdoses involved any
4 opioid in 2012 similar to 2011, 1,154 or 65 percent."

5 Q. Were you aware of that statistic?

6 MR. DELINSKY: Object to form.

7 THE WITNESS: No.

8 Q. Okay. Can you read the next bullet point,
9 just the first paragraph -- first sentence?

10 A. "Prescription opioids are involved in most of
11 the unintentional drug overdoses and have largely
12 driven the rise in deaths over the past decade."

13 Q. Were you aware of that statistic?

14 A. No.

15 Q. Okay. When we talk about SOM, Suspicious
16 Order Monitoring, sounds pretty generic, right, pretty
17 benign?

18 MR. DELINSKY: Object to form.

19 THE WITNESS: Meaning to some who don't know
20 what it is?

21 Q. Right.

22 But the whole point of a Suspicious Order
23 Monitoring Program was to monitor diversion, not ship
24 potentially suspicious orders.

25 Do you agree?

1 MR. DELINSKY: Object to form.

2 THE WITNESS: To -- yeah, potentially
3 suspicious.

4 Q. Correct.

5 It was -- the whole point of SOM was so that
6 we don't end up with this, correct?

7 MR. DELINSKY: Object to form.

8 THE WITNESS: That, I am -- that, I really I
9 can't comment on. I know SOM was there to help to --
10 one of the -- one tool to prevent diversion.

11 But I know what I did.

12 MR. DELINSKY: Are you done?

13 THE WITNESS: Yes.

14 Q. These statistics are a result of diversion.

15 Do you disagree with that?

16 MR. DELINSKY: Object to form.

17 THE WITNESS: I -- I'm just now seeing this
18 document for the first time. I don't -- I don't know
19 where this came from, who had written it.

20 Their analysis.

21 Q. Do you see the bottom? Sorry for
22 interrupting.

23 A. Yes.

24 Q. Do you see where that came from?

25 A. Yes.

1 Q. Do you dispute the accuracy of this
2 document?

3 MR. DELINSKY: Object to form.

4 THE WITNESS: I don't know the background
5 information. I don't -- I just -- I can't really
6 comment on how they came about their -- their
7 findings.

8 Q. If true, it is a shocking document, isn't it?
9 I mean, that's what we're grappling with.

10 MR. DELINSKY: Object to form.

11 THE WITNESS: I can't really comment.

12 Q. You don't think it is shocking?

13 MR. DELINSKY: Object to form.

14 THE WITNESS: This is my first time seeing
15 it.

16 Q. Do you think it's shocking?

17 MR. DELINSKY: Object to the form.

18 Asked and answered.

19 THE WITNESS: Again, it's the first time
20 seeing this. I can't really comment on it.

21 Q. Do you -- I understand.

22 Do you think it is shocking? That really is
23 a yes or no. I'm not asking if it is the first time
24 that you saw it.

25 Do you think it is shocking?

1 MR. DELINSKY: Object to form. The question
2 has been asked and answered.

3 THE WITNESS: I can't -- I can't comment on
4 it.

5 Q. You have no opinion?

6 MR. DELINSKY: Object to form.

7 THE WITNESS: I have -- I would want -- I
8 would want more information. I would want to know --
9 I would need more information, more background, more
10 where this came from. Who --

11 Q. What information?

12 A. Seeing it for the first time in this
13 situation, I can't -- I can't think of what the exact
14 things that -- that I would need.

15 Q. Would you want to know the age of those
16 people that died?

17 MR. DELINSKY: Object to form.

18 Q. Would that help you determine if it is
19 shocking?

20 MR. DELINSKY: Object to form.

21 THE WITNESS: Still would not be able to
22 comment on it.

23 Q. What about if they were someone's son or
24 daughter, would that help you determine if it's
25 shocking?

1 MR. DELINSKY: Object to form.

2 THE WITNESS: Still would not be able to
3 comment on it.

4 Q. You just can't think of anything that would
5 help you determine if it's shocking?

6 A. Not without more information.

7 MR. DELINSKY: I object to the form of the
8 question.

9 Ms. Helfrich, just make sure you pause so I
10 have an opportunity to interpose my objections.

11 Q. You said that SOM was one part of -- of
12 preventing diversion.

13 Do you remember that?

14 MR. DELINSKY: Object to form.

15 THE WITNESS: I believe it was one tool.

16 Q. One tool?

17 A. Yeah.

18 Q. Okay. So you said SOM is one tool to prevent
19 diversion?

20 MR. DELINSKY: Object to form.

21 THE WITNESS: One tool used to prevent
22 diversion.

23 Q. Okay. And are you telling me it is one tool
24 used at the Indiana distribution center to prevent
25 diversion?

1 A. It's one tool that -- that I know of with SOM
2 that was used to prevent diversion.

3 Q. What else prevents diversion? What else that
4 you know of?

5 A. For me? There was -- it was SOM, and that
6 was my main focus.

7 Q. You said SOM was one tool. I'm asking what
8 the other tools are to prevent diversion.

9 A. I know it is -- I -- I know SOM is one tool
10 that prevented diversion. And that was my main focus.
11 I'm uncertain of the others.

12 Q. Okay. Do you think there are others?

13 MR. DELINSKY: Object to form.

14 THE WITNESS: I know SOM was my main focus.
15 That was what I did. That was my -- my purpose.

16 Q. You're not answering my question. It is: Do
17 you think there are other tools to prevent
18 diversion?

19 MR. DELINSKY: Object to form.

20 Q. I'm asking for your opinion, what you know.

21 MR. DELINSKY: Object to form.

22 THE WITNESS: I know SOM was one tool used,
23 and that is what I focused on.

24 Q. Tell me the other tools that you know of.

25 A. I -- I vaguely recall a -- CVS, when I would

1 call the -- the doctors -- or not the doctors, the
2 pharmacists, I -- they had their -- their method, but
3 I -- I can't recall because SOM was mine.

4 Q. So you think that the CVS pharmacies, the
5 pharmacists also had tools to prevent diversion, was
6 your understanding?

7 MR. DELINSKY: Object to form.

8 THE WITNESS: I just vaguely recall something
9 in regards to them. What exactly it is...

10 Q. Ms. Helfrich, I'm not trying to trick you.
11 I'm really trying to figure out what was being done at
12 the Indiana distribution center while you were there
13 and while people thought you were the SOM manager and
14 while people thought that you were in charge of DEA
15 compliance. I'm trying to find out what was being
16 done.

17 What I worry about is when you say "it's one
18 tool," that later then you offer testimony, if this
19 goes to trial, that you come up with three other
20 things that were being done at the distribution center
21 to prevent diversion. Okay?

22 Do you know of any other tools, then, at the
23 Indiana distribution center, while you were working
24 there, to help prevent diversion?

25 MR. DELINSKY: Object to form.

1 THE WITNESS: At the distribution center?

2 There would be pickers that would notice an irregular
3 order, and I would be shot an email.

4 Q. Okay. So, we have pickers and we have the
5 SOM, which -- the Item Review Report, essentially,
6 correct?

7 MR. DELINSKY: Object to form.

8 THE WITNESS: Yeah.

9 Q. Anything else besides those two that you can
10 think of?

11 A. That I can recall, those are the two that
12 stick out.

13 (CVS-Helfrich-20 was marked for
14 identification.)

15 Q. I'm showing you what has been marked as
16 Exhibit 20, and I apologize for throwing them at you.

17 MR. DELINSKY: Did you say Exhibit 29?

18 MR. GOETZ: This is Exhibit 20.

19 Q. When you started in 2012, were you aware that
20 there was a direct correlation between opioid overdose
21 deaths and opioid sales?

22 MR. DELINSKY: Object to form.

23 THE WITNESS: I did not.

24 Q. You did not know?

25 A. No.

1 Q. Okay. Does -- can -- that chart indicates
2 there's a correlation, doesn't it?

3 MR. DELINSKY: Object to form.

4 THE WITNESS: I can't -- I don't know where
5 this -- this information came from, like how it was
6 gathered.

7 Q. I'm not asking you to -- to challenge the
8 validity of the report. We can talk about whether you
9 think the report is valid or not based on your
10 expertise.

11 But this report was put together by the Drug
12 Enforcement Administration. According to them, there
13 is a correlation between opioid sales and opioid
14 deaths as shown in this chart, correct?

15 MR. DELINSKY: Object to form.

16 THE WITNESS: Well, if you're asking what I'm
17 seeing, that's --

18 Q. You see the correlation, correct?

19 MR. DELINSKY: Object to form.

20 THE WITNESS: I see it. I -- I see what's on
21 the chart.

22 Q. And what is on the chart?

23 A. The opioid sales versus deaths versus opioid
24 treatment admissions.

25 Q. And they all run semi-parallel to each other,

1 correct?

2 MR. DELINSKY: Object to form.

3 THE WITNESS: I really don't --

4 Q. Let me ask --

5 A. -- feel comfortable commenting on a document
6 I've just seen.

7 Q. Just so you do not see the correlation? You
8 can't acknowledge the correlation?

9 MR. DELINSKY: Object to form.

10 THE WITNESS: I can't -- I can't really
11 comment.

12 Q. Why can't you comment?

13 A. Because I -- it is the first time I'm seeing
14 it. I don't -- I don't know the reasoning behind it,
15 what -- what went into it.

16 Q. What was your understanding of the legal
17 obligations that CVS had to monitor for suspicious
18 orders?

19 A. I know that it's a DEA required -- it's
20 something that DEA requires, but the actual context
21 and -- I'm not familiar with.

22 Q. Are you finished?

23 A. Yes.

24 Q. I don't understand your answer. You know
25 that DEA requires but you're not familiar with the

1 actual context.

2 A. Yeah.

3 Q. I don't understand what you said.

4 A. I'm not -- I'm not familiar with the exact --
5 like the language or -- of the requirement that DEA
6 imposes, but I know there is one.

7 Q. Okay. So you don't know the exact language.
8 Is that what you're telling me?

9 A. Yeah.

10 Q. But you know there is a requirement?

11 A. Yes.

12 Q. Okay. What is that requirement? I'm not
13 asking for exact language. I'm asking you to give it
14 to me in your words.

15 A. In general, the DEA requires monitoring of
16 potential suspicious drugs.

17 MR. DELINSKY: Drugs or orders.

18 MR. GOETZ: I'm sorry. What?

19 Did you catch that?

20 What did you say?

21 MR. DELINSKY: I said drugs or orders.

22 MR. GOETZ: I don't --

23 MR. DELINSKY: Drugs or orders.

24 MR. GOETZ: Okay.

25 MR. DELINSKY: Potentially suspicious drugs

1 or potentially suspicious orders.

2 MR. GOETZ: Oh, is that what she said?

3 MR. DELINSKY: Yes.

4 MR. GOETZ: Oh, okay. You were just
5 repeating it.

6 MR. DELINSKY: Yes.

7 THE REPORTER: Ma'am, you're going to have to
8 keep your voice up. I didn't know you said that.

9 MR. GOETZ: I didn't hear drugs either.

10 THE REPORTER: So --

11 MR. GOETZ: I thought Mr. Delinsky and I was
12 going to have to swear him in.

13 Q. So your general understanding is that the DEA
14 requires CVS to monitor for potentially suspicious
15 drugs or orders; is that correct?

16 A. Yes.

17 Q. Okay.

18 MR. GOETZ: This is a good time to take a
19 five-minute break.

20 MR. DELINSKY: Okay.

21 THE VIDEOGRAPHER: We are off record at 9:54
22 a.m.

23 (There was a brief recess.)

24 THE VIDEOGRAPHER: We are back on the record
25 at 10:12 a.m.

1 (CVS-Helfrich-2 was marked for
2 identification.)

3 BY MR. GOETZ:

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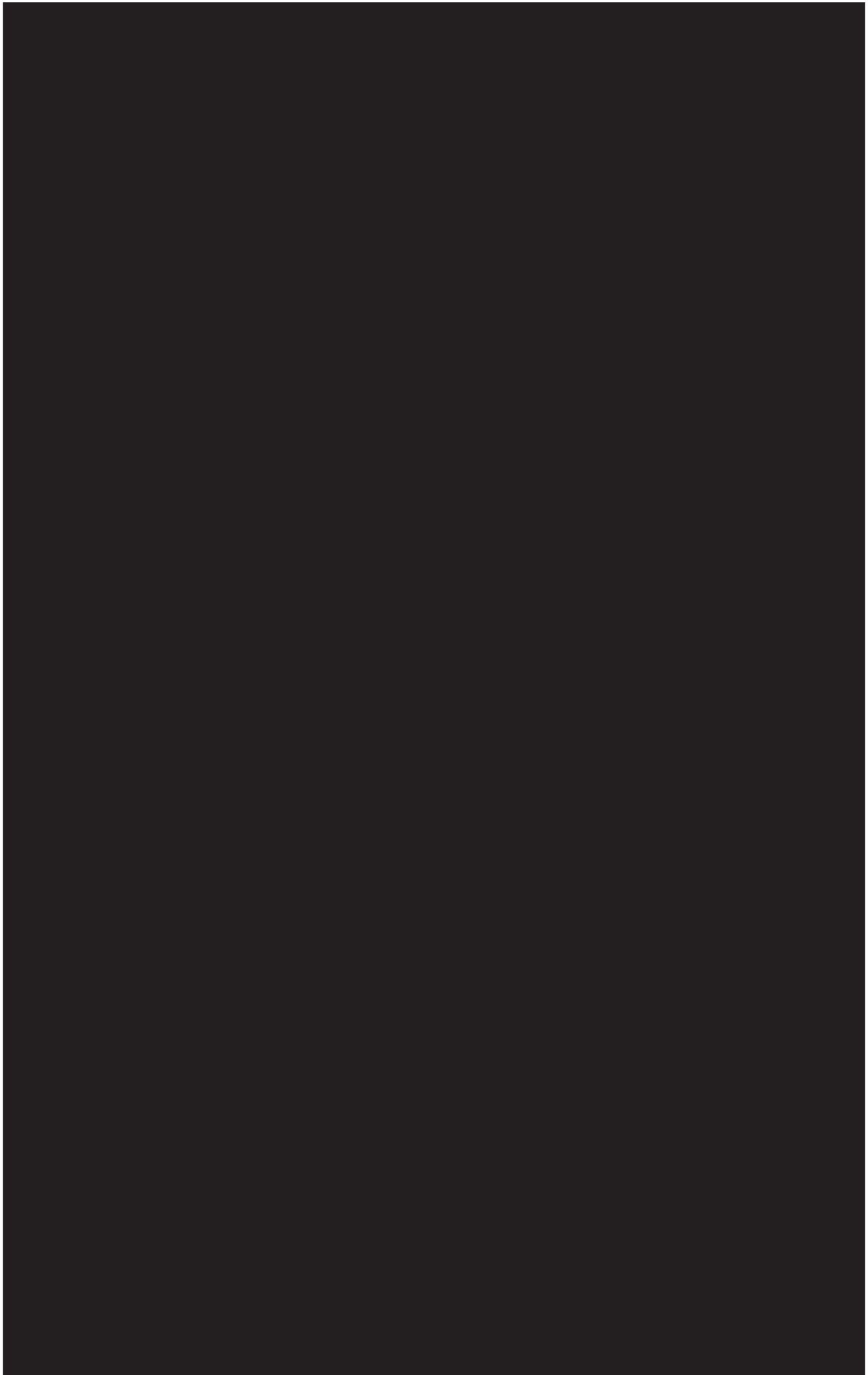
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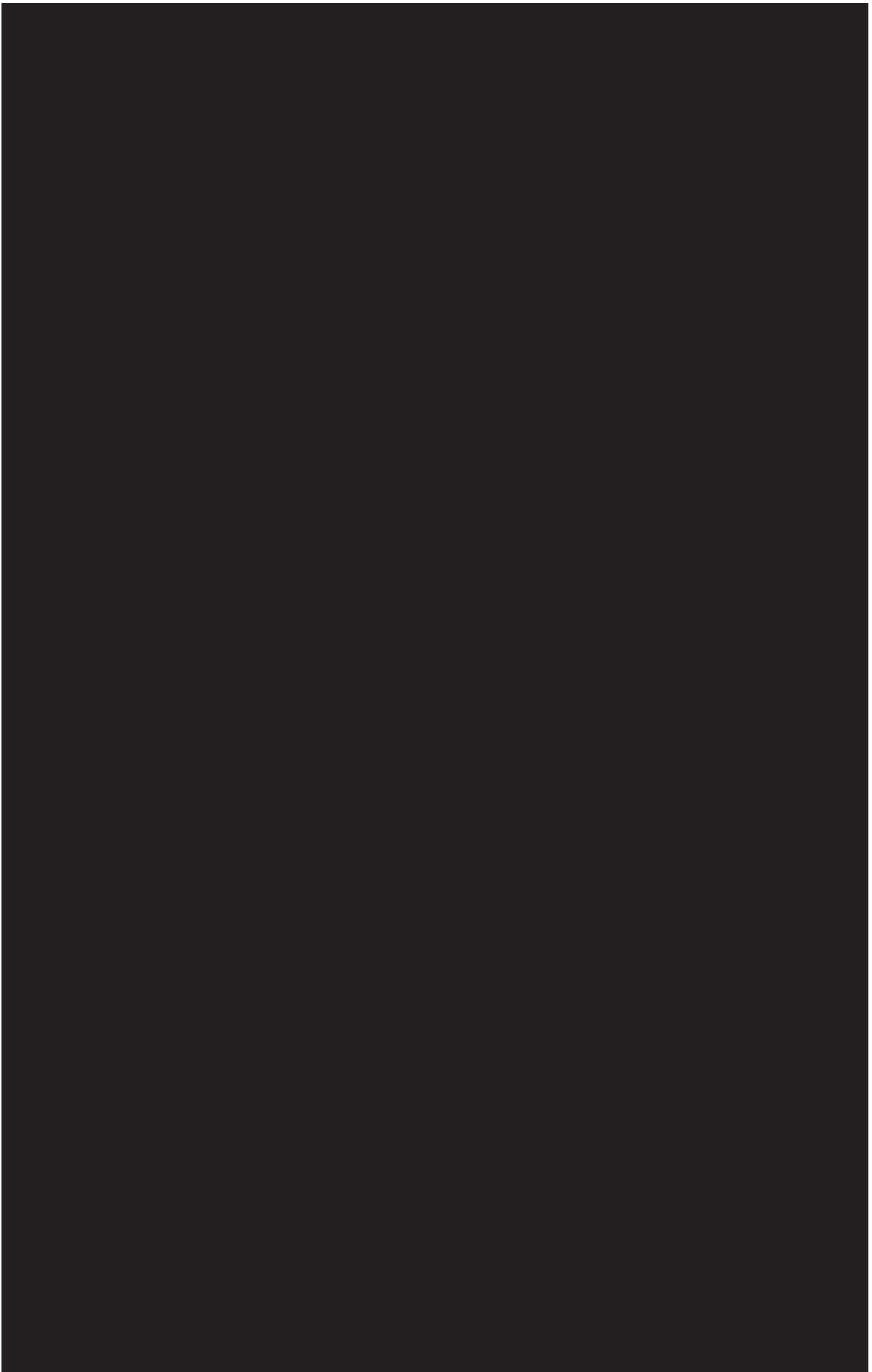
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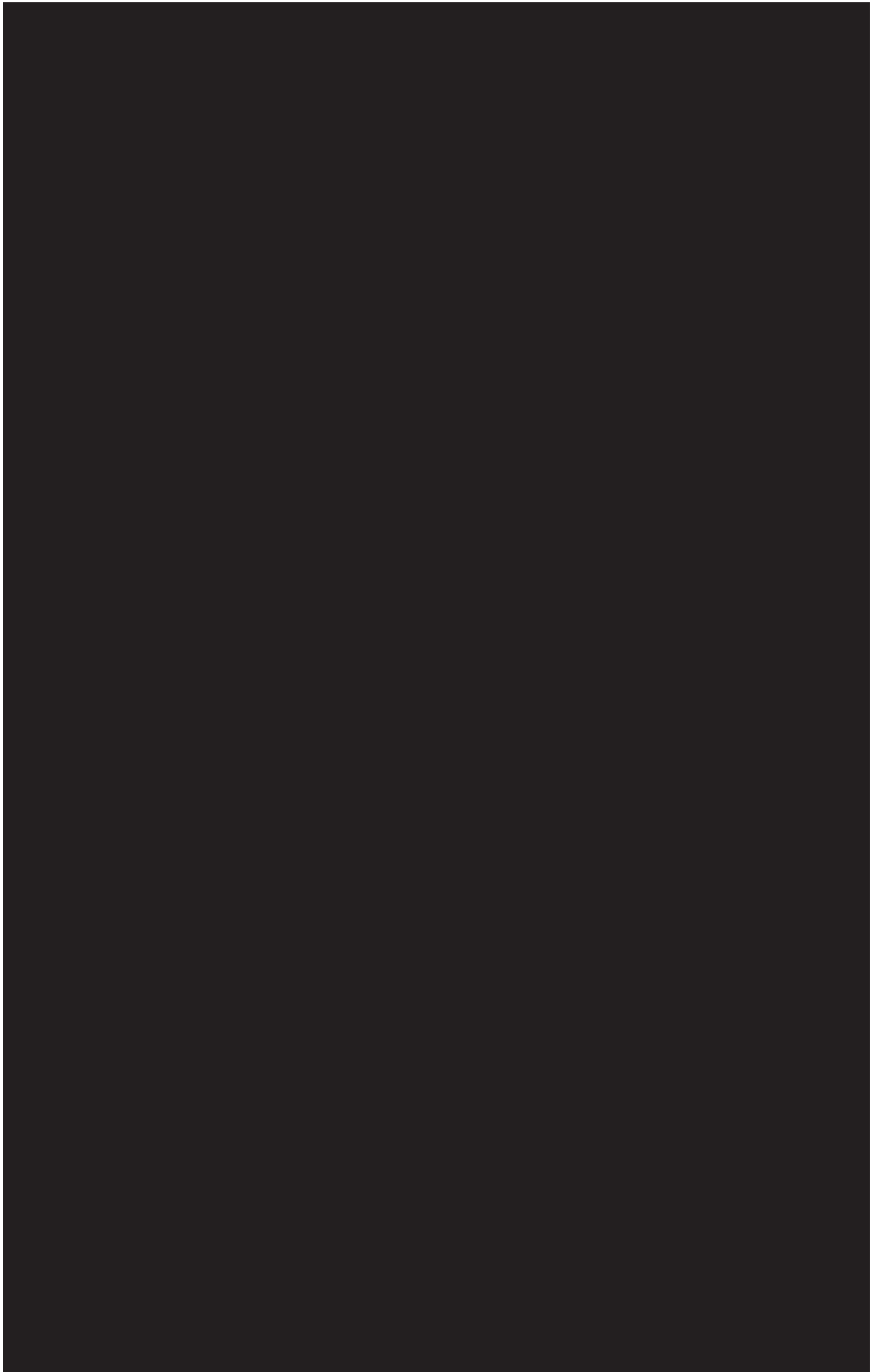
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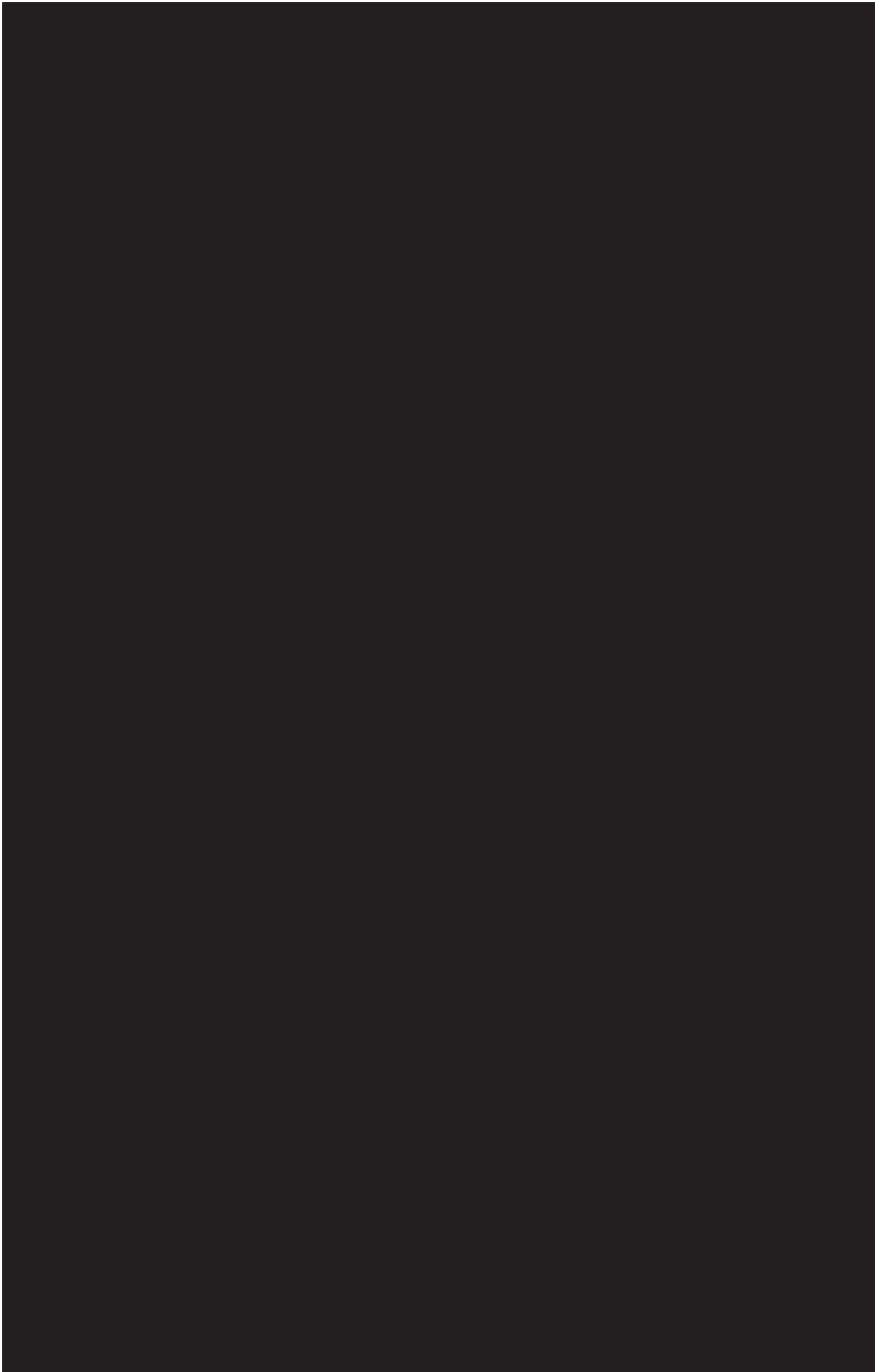
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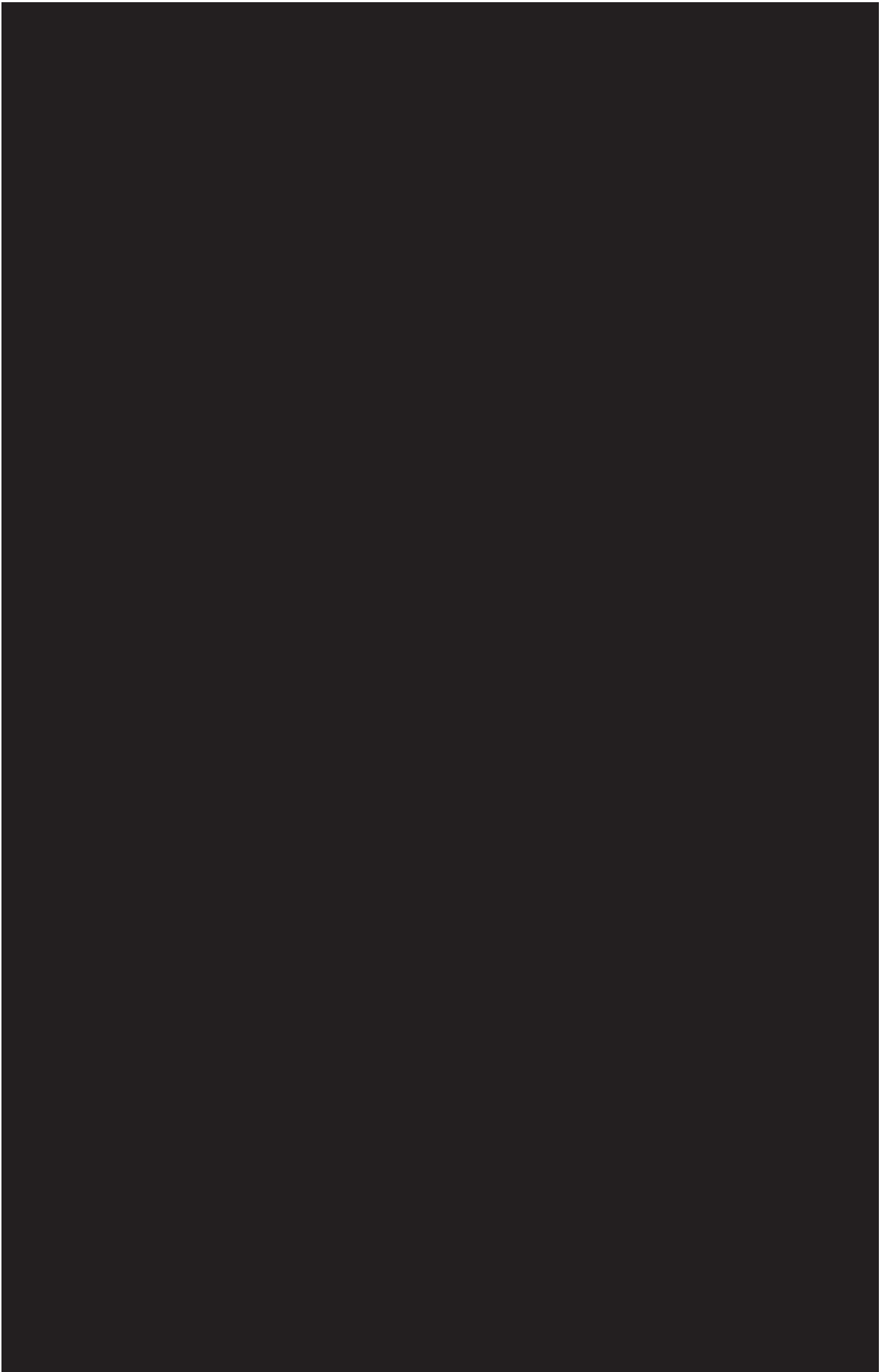
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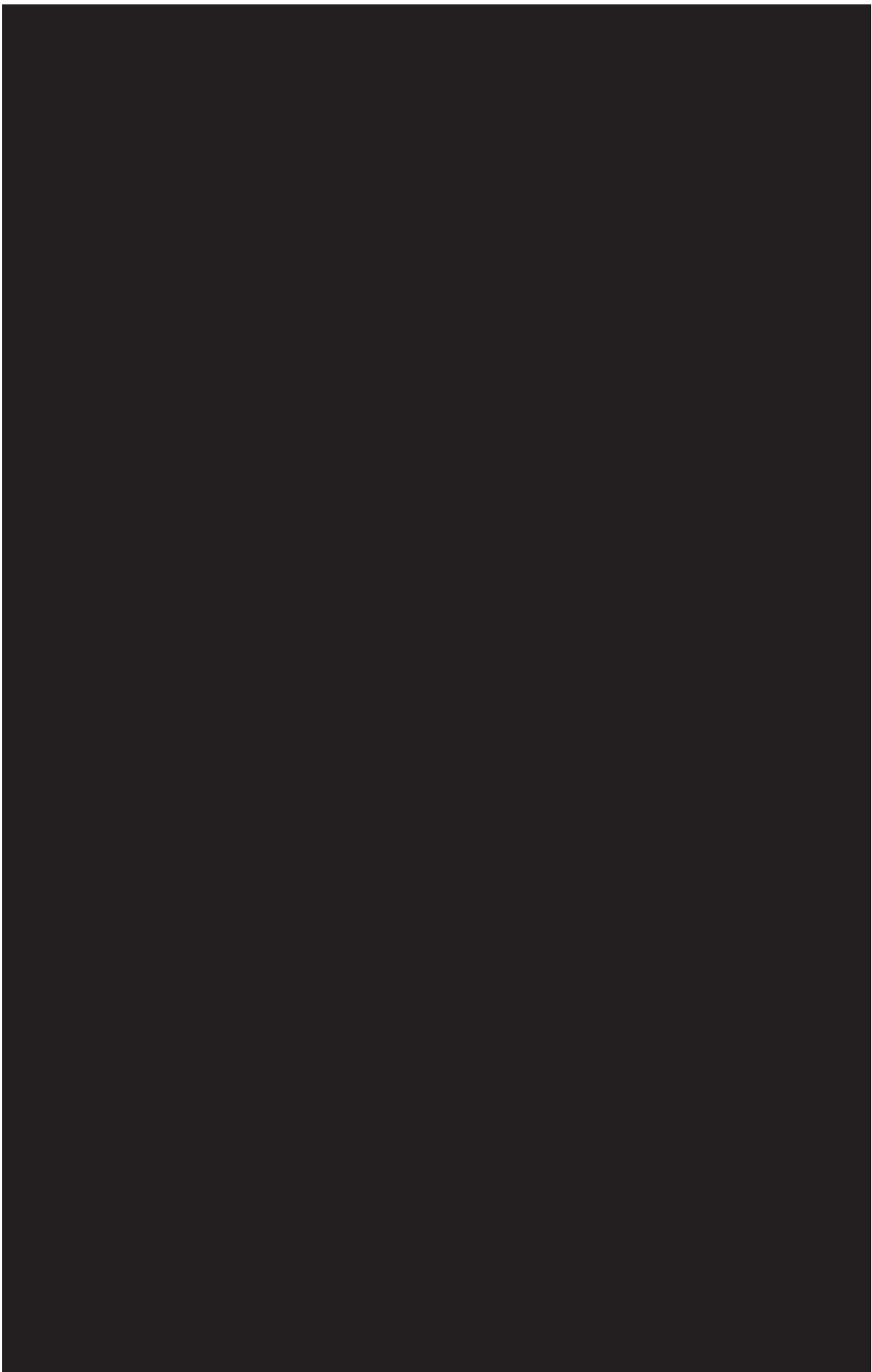
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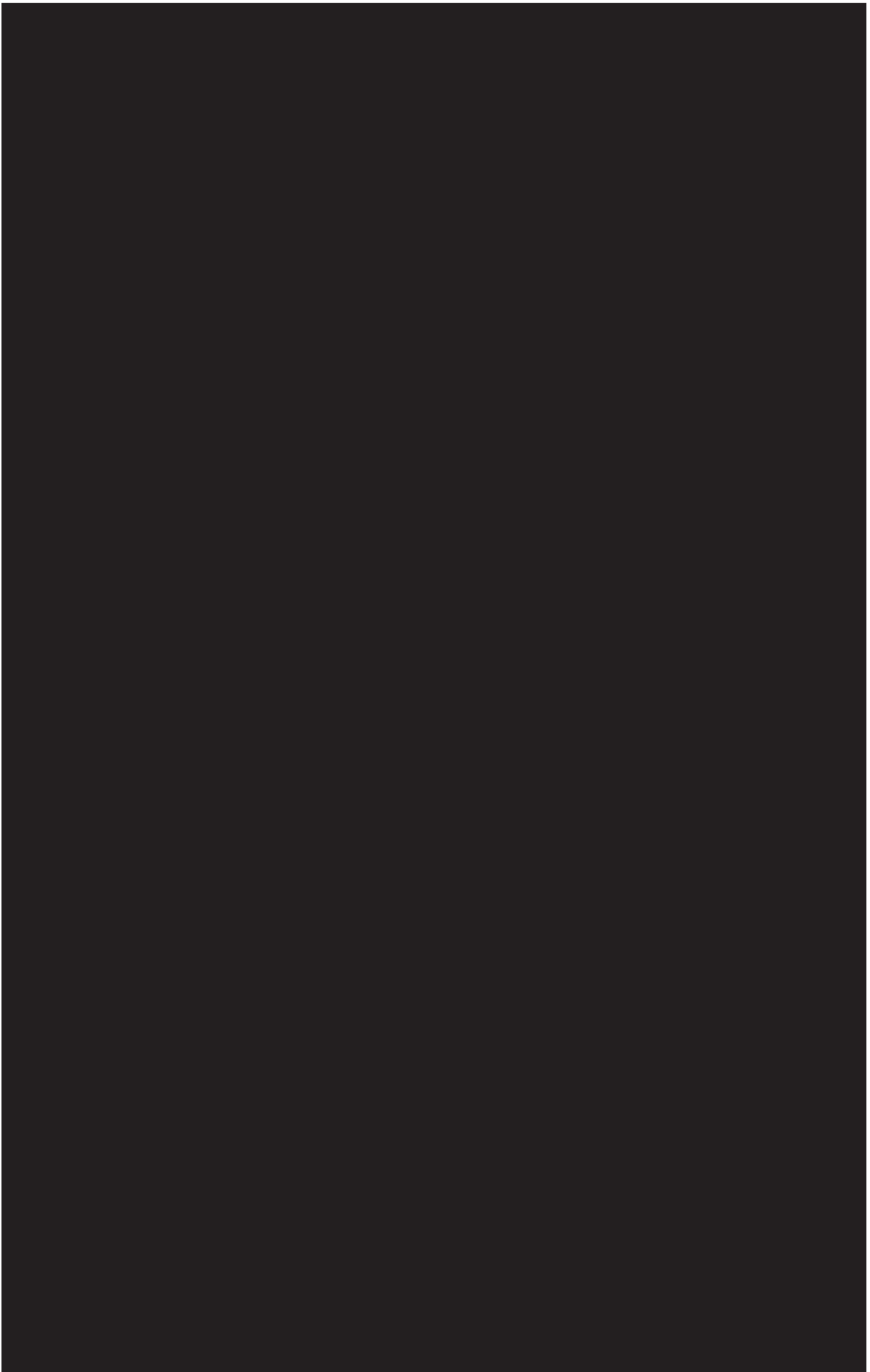
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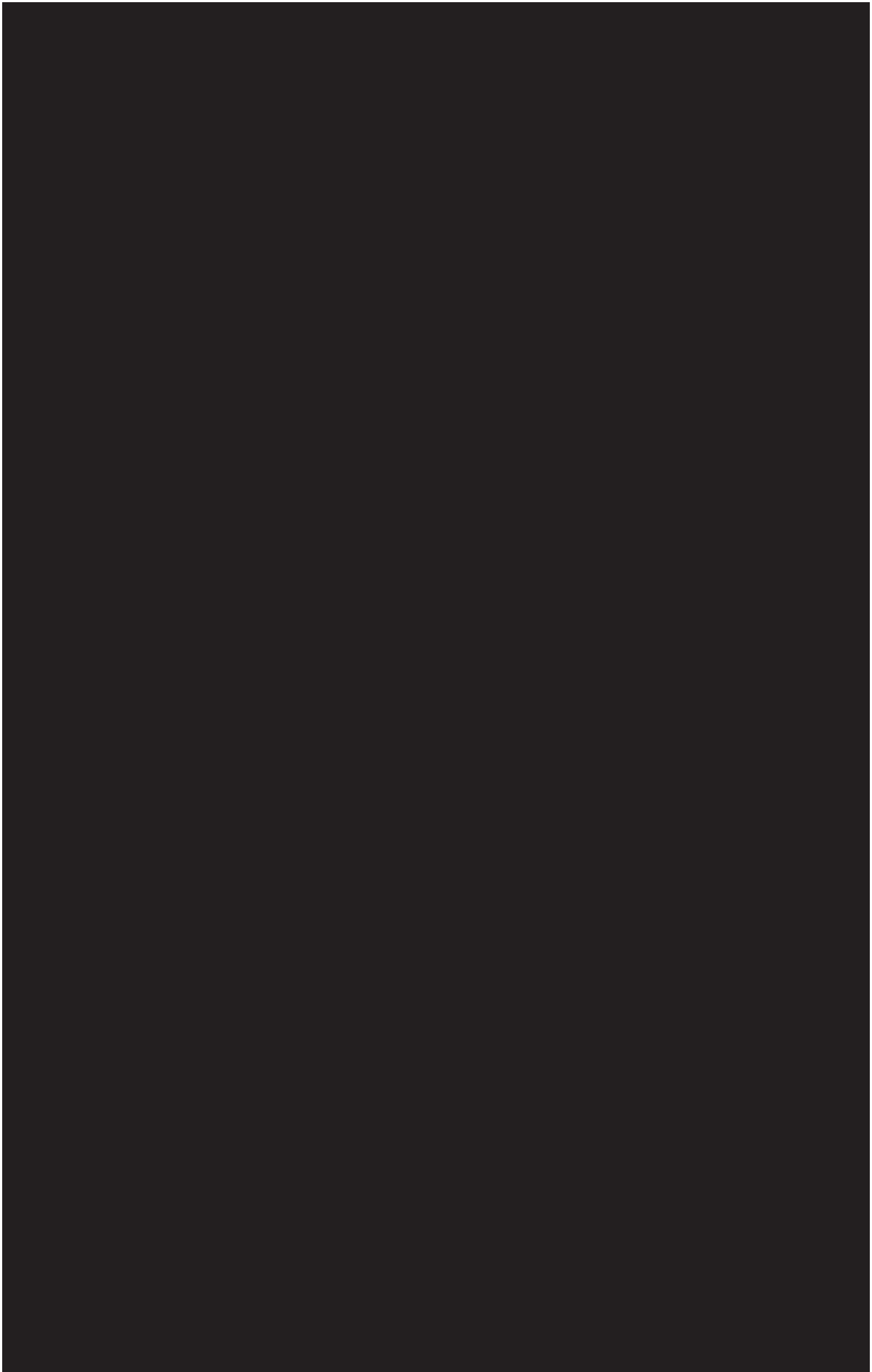
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THE VIDEOGRAPHER: We are back on the record
at 11:25 a.m.

BY MR. GOETZ:

Q. Ms. Helfrich, in August of 2013, when you
were working in the Suspicious Order Monitoring at CVS
in Indiana, when was your typical day?

MR. DELINSKY: Object to form.



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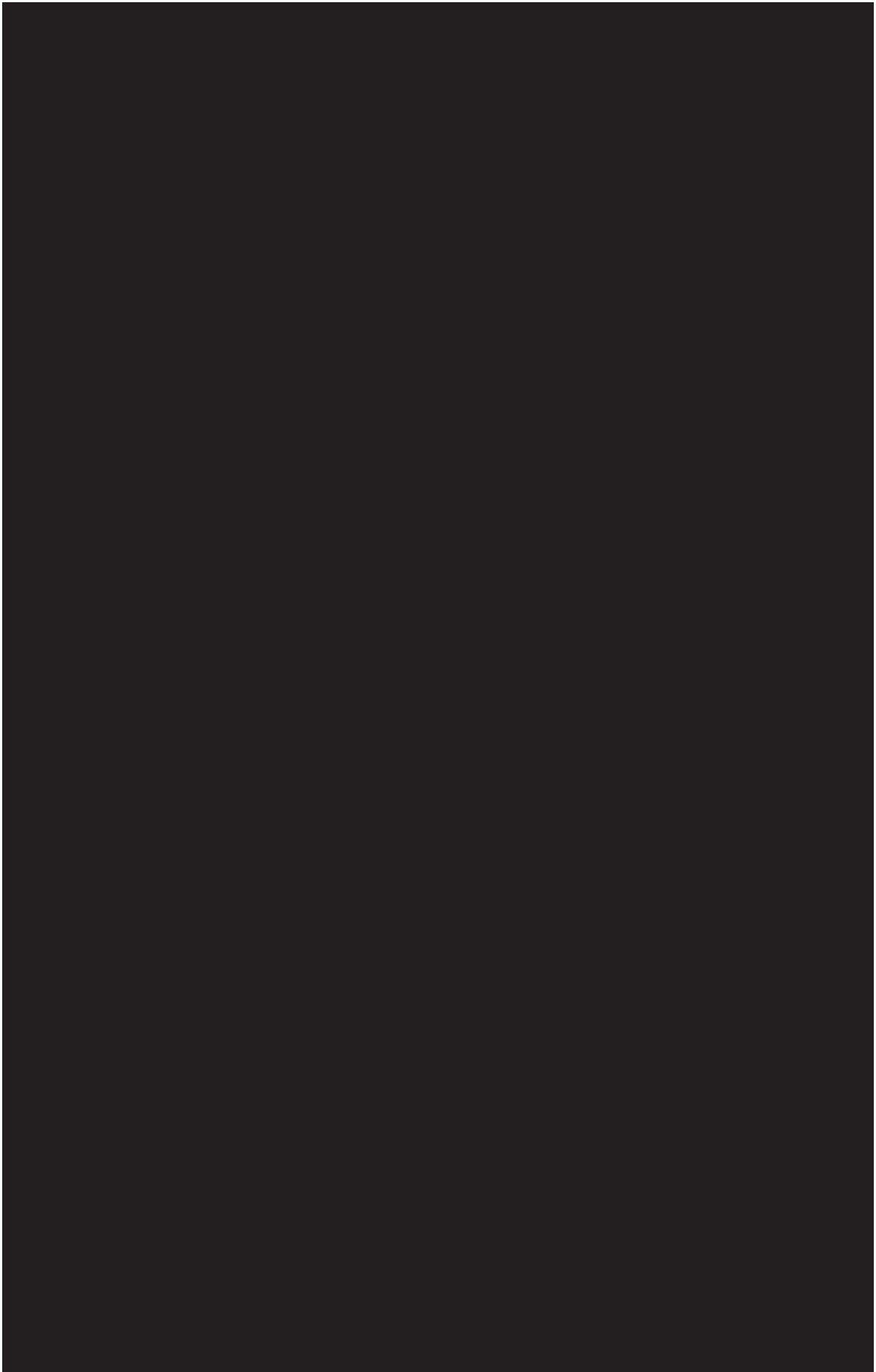
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2 Q. What is an IRR Recap?

3 A. I don't recall.

4 Q. You don't recall?

5 Did you look at any documents to prep?

6 A. No.

7 Q. No? Ms. Helfrich, do you --

8 MR. DELINSKY: Did you look at any documents
9 in preparing for the deposition?

10 It's not a complicated question. Did you
11 look at any documents to prepare for the deposition?

12 In meeting with me, did you look at documents?

13 Dan, let's take a break. Let's take a
14 break.

15 THE VIDEOGRAPHER: We are off the record at
16 11:58.

17 (There was a luncheon recess.)

18 THE VIDEOGRAPHER: We are back on the record
19 at 12:30 p.m.

20 BY MR. GOETZ:

21 Q. Ms. Helfrich, before we took a break, I had
22 asked you a question, if you had reviewed any
23 documents in preparation for today.

24 Did you review any documents in preparation
25 for today?

1 A. Yes.

2 Q. Can you tell me what those documents are?

3 MR. DELINSKY: Instruct the witness not to
4 answer on privileged grounds. If you ask a question
5 about a particular document, you can ask that
6 document. But her selection and the selection of
7 documents that she was shown reflects privileged
8 communications and work product.

9 BY MR. GOETZ:

10 Q. Ms. Helfrich, did you review an Item Review
11 Report in preparation for today?

12 A. I want to -- I believe I saw a portion of
13 one.

14 Q. Did you review an IRR Recap Report --

15 A. Recap?

16 Q. -- in preparation for today?

17 A. Not that I can recall, unless I'm confusing
18 it with something.

19 (CVS-Helfrich-13 was marked for
20 identification.)

21 Q. So, I'm going to hand you something that we
22 have marked as Exhibit 13.

23 MR. GOETZ: Do you want a copy?

24 MS. HARMON: No, thank you.

25 MR. GOETZ: I couldn't imagine that you

1 would.

2 Q. Ms. Helfrich, would you briefly leaf through
3 those pages and tell me what that document is.

4 A. To me, this looks like what we -- we called
5 the max tracker.

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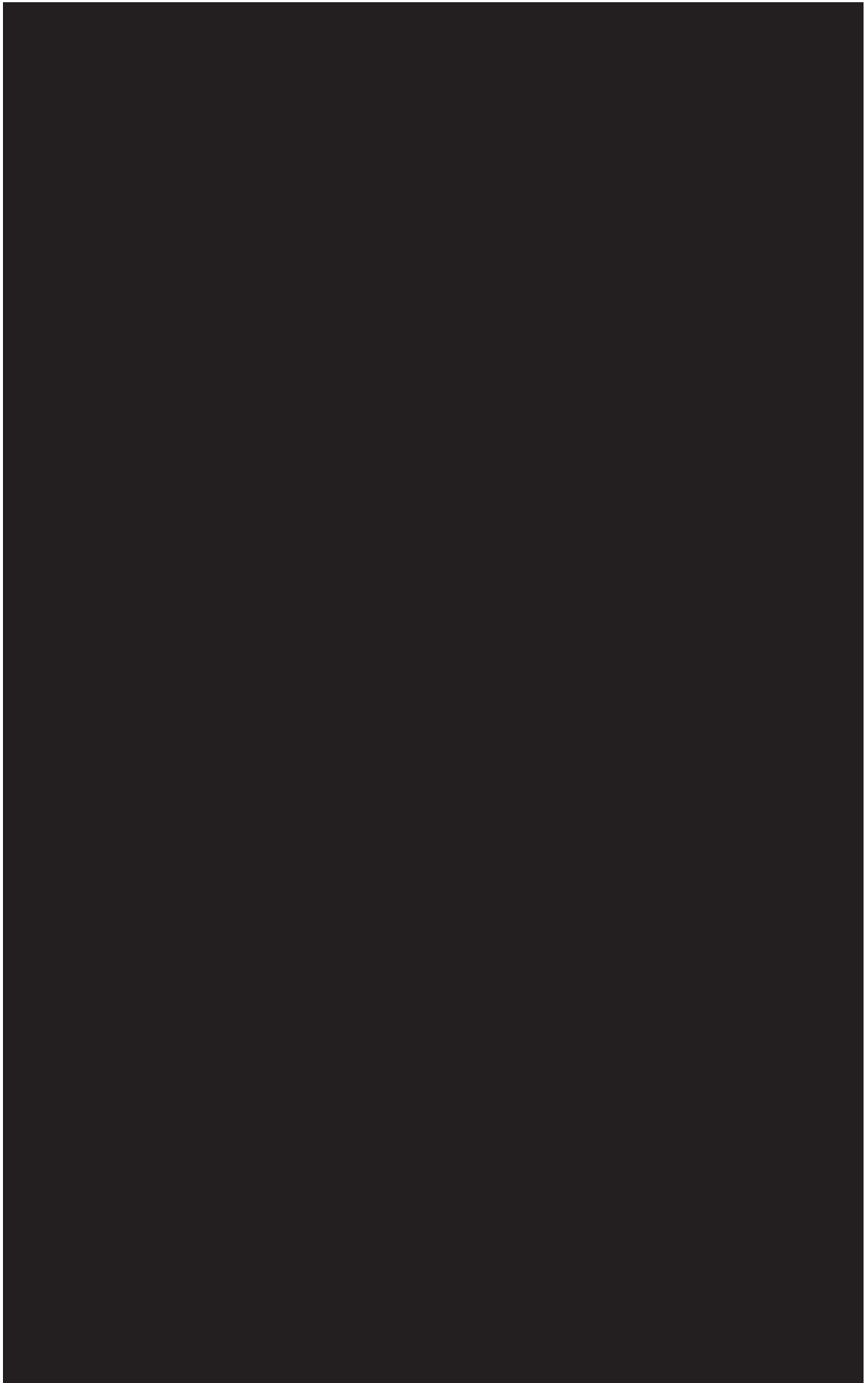
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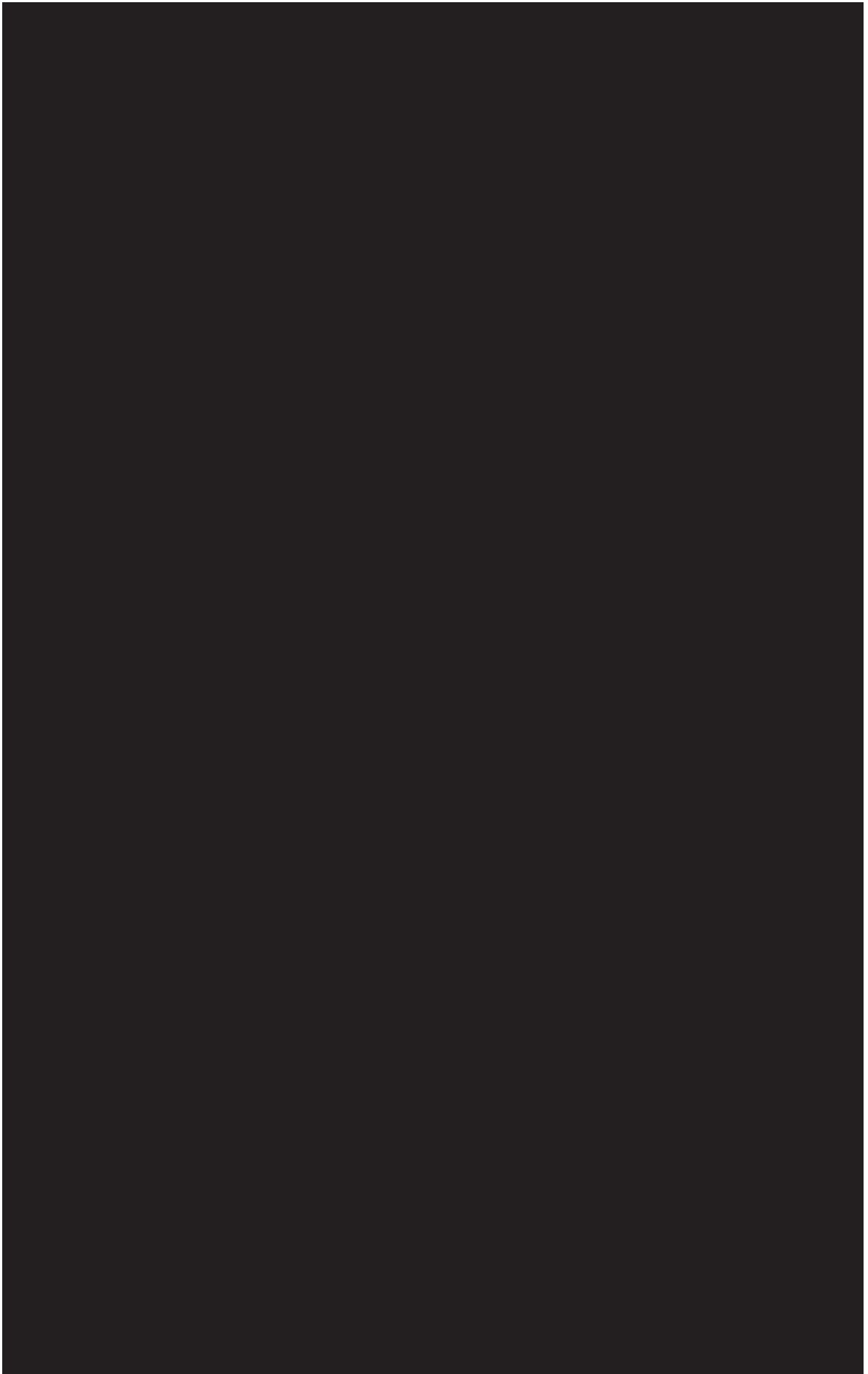
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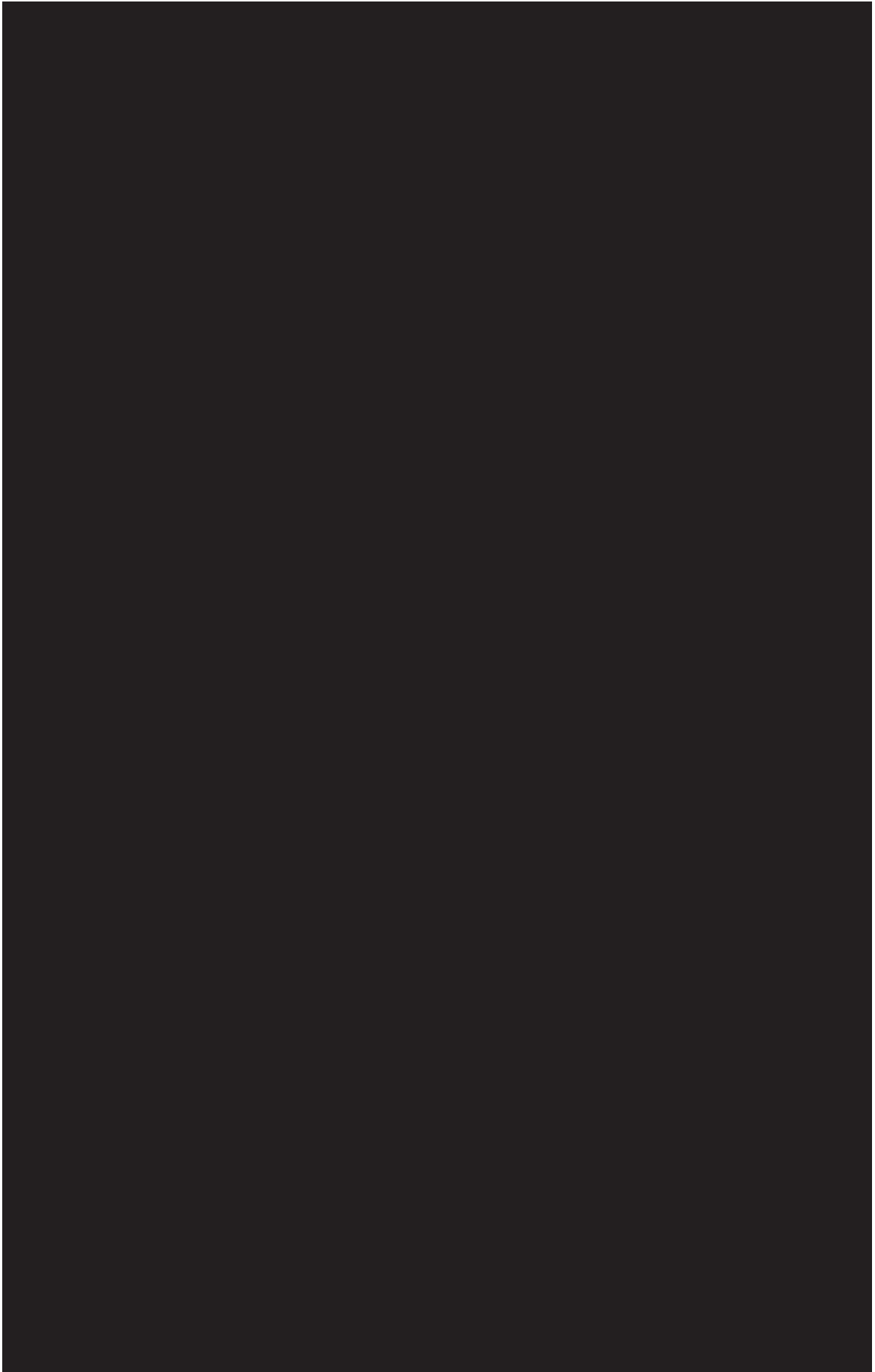
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15 Q. Ms. Helfrich, in 2014, there was a new system
16 that was coming into being, right?

17 A. Yes.

18 Q. Okay. And in -- and in 2014, they started
19 hiring additional people, correct?

20 A. I believe so.

21 Q. Yeah. And before that new system came in,
22 you started having actually the opportunity to do
23 additional due diligence on more orders that were
24 identified by the IRR as potentially suspicious,
25 correct?

1 MR. DELINSKY: Object to form.

2 THE WITNESS: That, I don't -- I don't
3 remember that being the case.

4 Q. There were more people hired in the beginning
5 of 2014, correct?

6 A. For the new SOM team?

7 Q. Yeah. And to ramp up for the new SOM and at
8 the end of '13 and into '14, they were hiring
9 additional people for the suspicious order monitoring
10 program?

11 MR. DELINSKY: Object to form.

12 THE WITNESS: I believe those were -- that
13 was probably the time frame, but how many people they
14 actually hired I'm uncertain of.

15 Q. And so since they hired additional people,
16 that allowed the opportunity to do additional due
17 diligence in the older system, correct? What -- I'm
18 talking about the system pre-March of '14.

19 MR. DELINSKY: Object to form.

20 THE WITNESS: I don't think -- I don't
21 believe that changed the way I did my -- my job.

22 (CVS-Helfrich-14 was marked for
23 identification.)

24 Q. I'm going to show you what we have marked as
25 Exhibit 14.

1 What is that document?

2 A. It looks like the max tracker.

3 Q. It is -- it is the same document as the other
4 one, correct? Same form?

5 A. Yes.

6 Q. Okay. If you see across the top, it will
7 give you the report date; is that correct?

8 A. Yes.

9 Q. And it gives you the report? Do you see
10 that?

11 A. Yes.

12 Q. Okay. And that report under it says FRR?

13 A. Yes.

14 Q. That's a Florida Review Report, correct?

15 A. Yes.

16 Q. That was a specific report because of all of
17 the problems CVS had had in Florida, correct?

18 A. I --

19 MR. DELINSKY: Object to form.

20 THE WITNESS: -- don't -- I don't know the
21 reasoning behind that report.

22 Q. Did you ever ask anybody why there was a
23 separate report for Florida?

24 A. If I did, I don't -- I don't remember.

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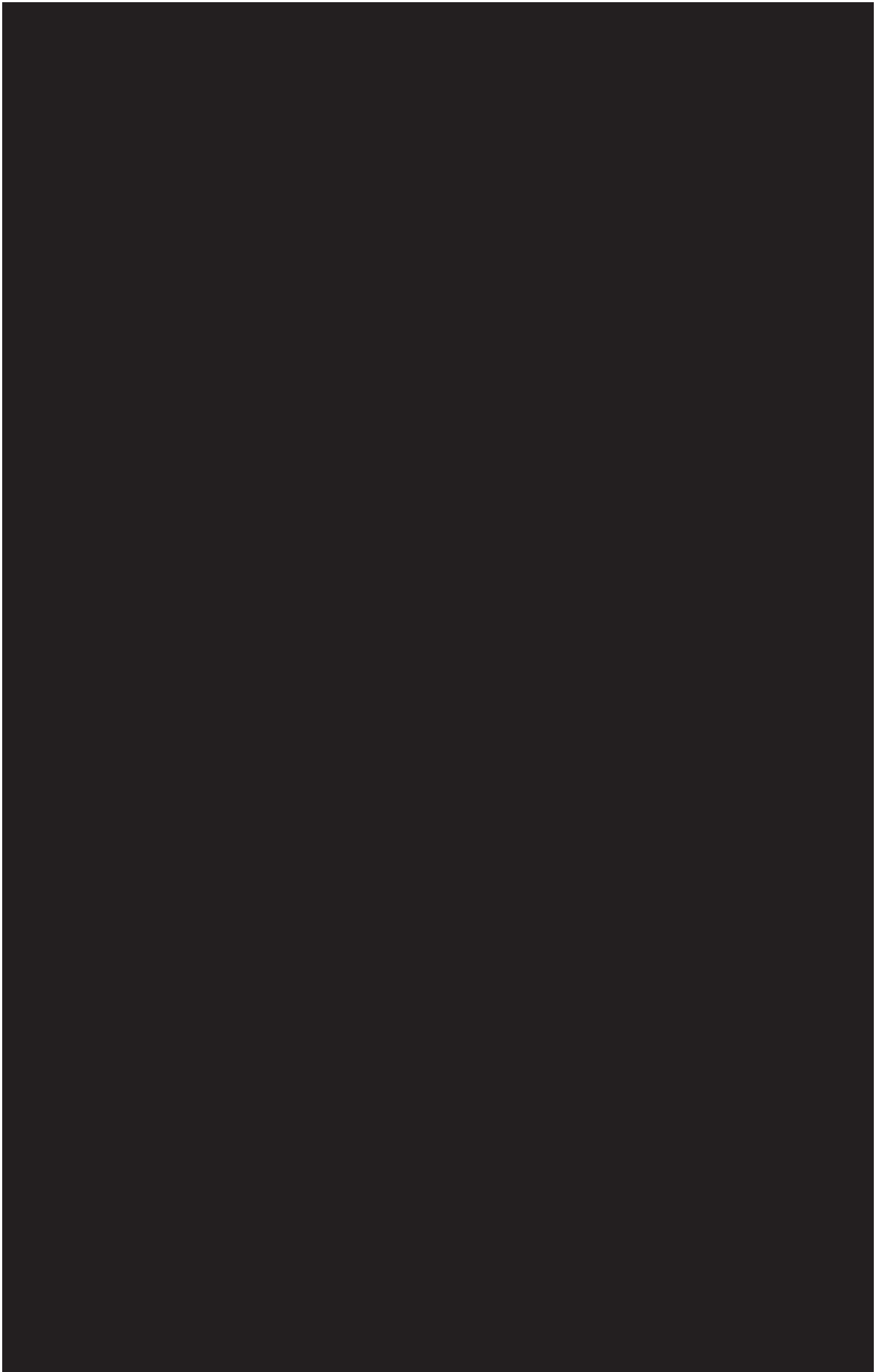
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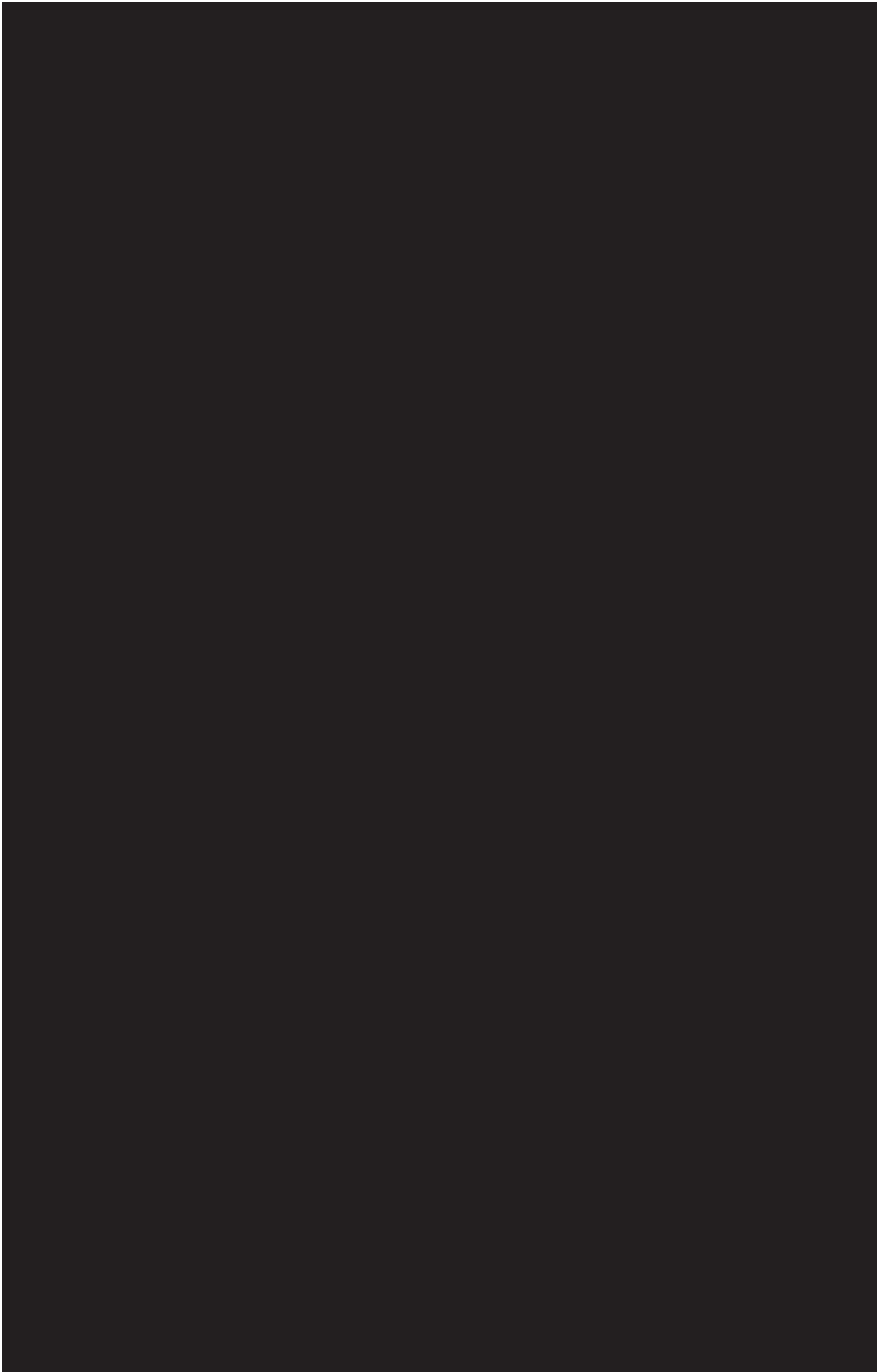
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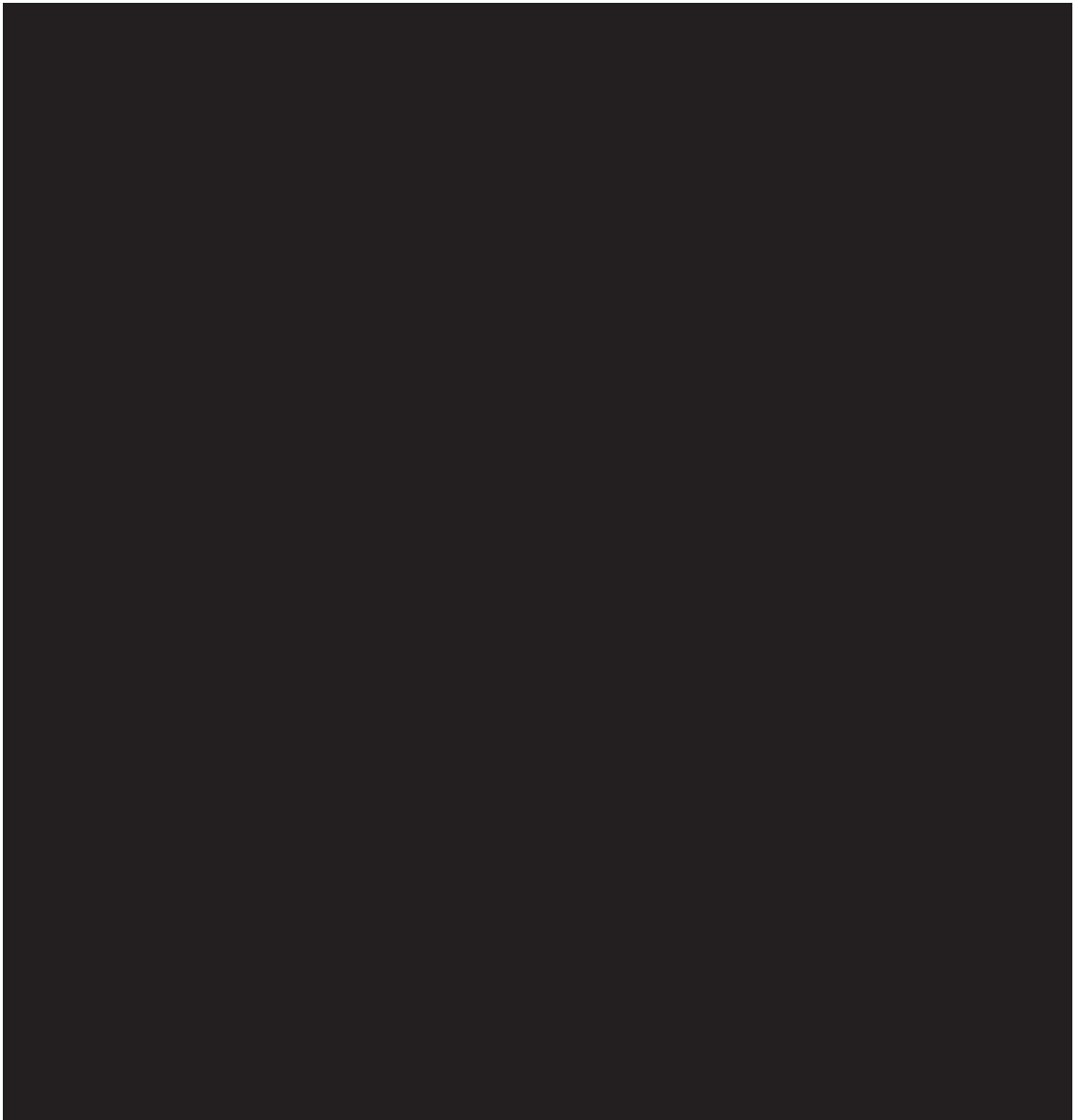
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17 So, again, this reflects the orders from the
18 Item Review Report that were identified as potentially
19 suspicious that received additional due diligence --

20 MR. DELINSKY: Object to form.

21 BY MR. GOETZ:

22 Q. -- from 1-2 of '14 to 2-11 of '14?

23 MR. DELINSKY: Object to form.

24 THE WITNESS: I don't remember.

25 Q. You think it might reflect the entirety of

1 the Item Review Report, correct, for that time
2 period?

3 MR. DELINSKY: Object to form.

4 MR. GOETZ: You can have a running objection
5 to form. Seriously. Everything.

6 Go ahead.

7 THE WITNESS: I just don't remember.

8 Q. Okay. For this time period I will represent
9 to you -- tell me if you're surprised -- that there is
10 one store flagged that either showed up on the IRR,
11 because you're not sure, or received additional due
12 diligence after it showed up on the IRR as a
13 potentially suspicious order. There is one of those
14 orders for the CT-1 jurisdiction.

15 Does that surprise you?

16 MR. DELINSKY: Object to form.

17 THE WITNESS: I don't -- I don't remember.

18 Q. Does it surprise you that that is how few
19 orders were investigated?

20 MR. DELINSKY: Object to form.

21 THE WITNESS: It's been so many -- so many
22 years. It's -- hard to recall.

23 Q. I appreciate that.

24 Unfortunately, you were the person doing
25 suspicious order monitoring in 2013 and through 2014

1 at the CVS Indiana distribution center that was
2 distributing hydrocodone combination products into the
3 CT-1 pharmacies.

4 So you are the person I have to get these
5 answers from.

6 MR. DELINSKY: Object to form.

7 BY MR. GOETZ:

8 Q. Do you know anybody else that would know the
9 answer?

10 MR. DELINSKY: Object to form.

11 THE WITNESS: I mean, I didn't work alone.

12 Q. Okay. Ms. Helfrich, the -- the orders we
13 looked at all bore -- had your name on them.

14 Who else besides you could tell me about
15 them?

16 And I'll point out to you the order on CT-1
17 on Exhibit 14 that's on page 10254.

18 Do you see that?

19 A. Yes.

20 Q. That has your name, correct?

21 A. The --

22 MR. DELINSKY: Which one? There is...

23 MR. GOETZ: Well, it is the same store. It
24 is the same date.

25 MR. DELINSKY: The 3314, store 3314?

1 MR. GOETZ: Yes.

2 MR. DELINSKY: At the very bottom?

3 MR. GOETZ: Yeah. It is actually the only
4 one that is a nonFlorida, I believe. I apologize,
5 it's not, but it is the bottom store.

6 THE WITNESS: Yes.

7 BY MR. GOETZ:

8 Q. Who else could tell me that?

9 A. During that time, we had pharma compliance, I
10 believe.

11 Q. Are they going to tell me what you are doing
12 with this order, Ms. Helfrich?

13 MR. DELINSKY: Object to form.

14 THE WITNESS: They probably wouldn't be able
15 to recall. They probably might not be able to
16 remember, just like I'm kind of struggling to
17 remember.

18 Q. You think maybe pharma compliance might be
19 able to tell me something?

20 MR. DELINSKY: Object to form.

21 THE WITNESS: At the time, that -- they may
22 have been the only assistance that I had.

23 Q. At that time?

24 A. Possibly.

25 Q. Who was person from pharma compliance?

1 A. We had maybe a few different people at
2 different times. The main one, I can't recall his
3 last name, but it was Steve.

4 MR. DELINSKY: Excuse me. Could you put your
5 phone on mute?

6 MR. GOETZ: You need to mute.

7 (CVS-Helfrich-35 was marked for
8 identification.)

9 Q. I'm going hand you Exhibit 35.

10 And I -- I've previously showed you Exhibit
11 34.

12 Can you pull that up, please?

13 Thirty-four and 35, those are for the same
14 orders, correct?

15 A. Yes.

16 Q. And that actually happens to be the exact
17 same order that is shown in Exhibit 14 down at the
18 bottom, correct?

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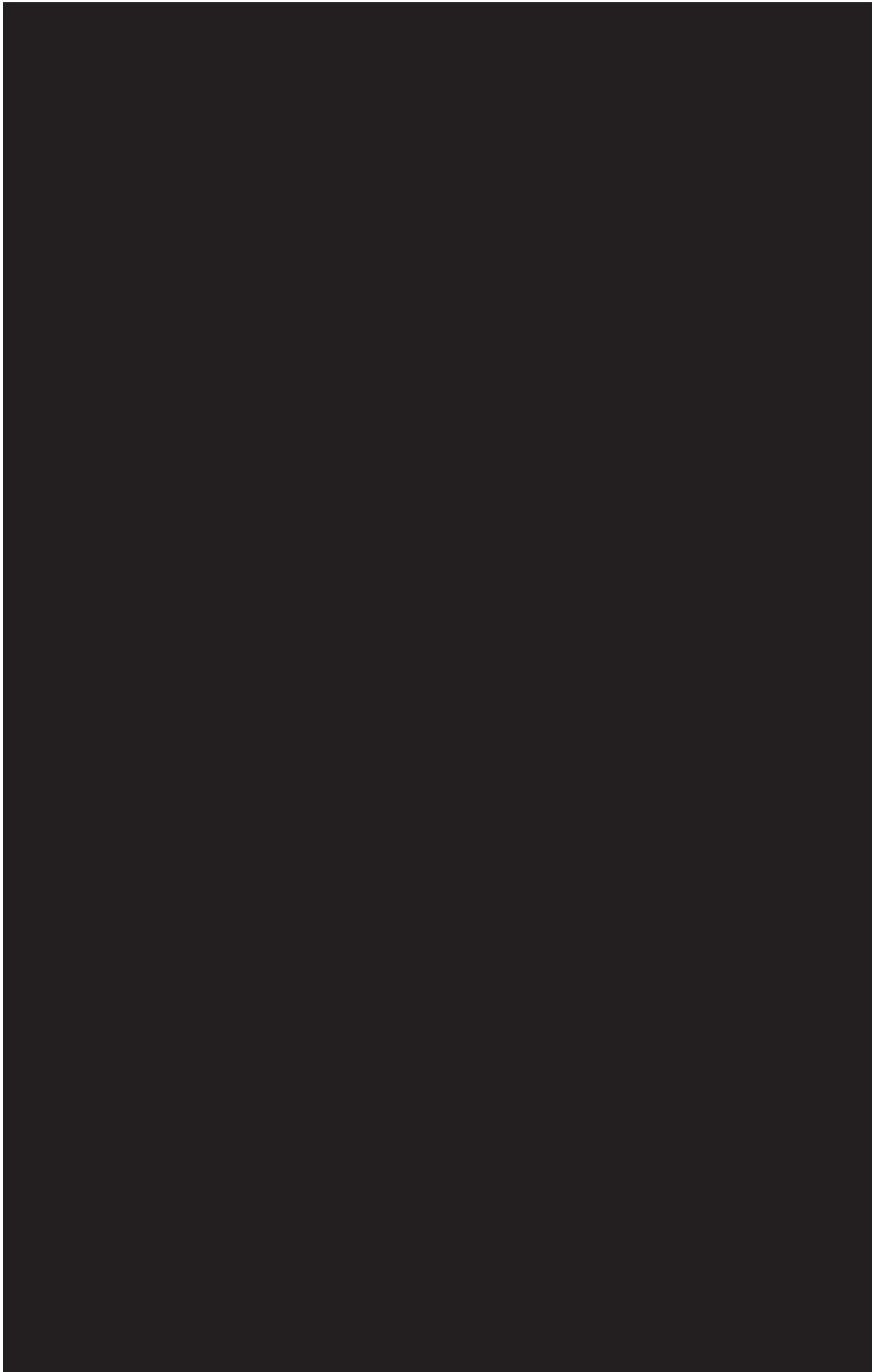
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10 Q. Are you aware that CVS paid over a \$132
11 million in fines related to controlled substances and
12 pseudoephedrine?

13 MR. DELINSKY: Objection.

14 Q. Are you aware of that?

15 MR. DELINSKY: Object to form.

16 THE WITNESS: I don't recall having that
17 information.

18 Q. Okay. As you sit here today, do you know
19 that?

20 MR. DELINSKY: Object to form.

21 THE WITNESS: I vaguely recall something of
22 that nature.

23 Q. You're still at CVS, correct?

24 A. Yes.

25 Q. Yeah. So you have never left, even though

1 you left SOM, Suspicious Order Monitoring, you're
2 still there?

3 A. Yes.

4 Q. You're still at the warehouse?

5 A. Yes.

6 Q. Are you aware that they had a show cause
7 order in Florida for how much Oxycodone and OxyContin
8 they were spitting out of their pharmacies? Are you
9 aware of that?

10 MR. DELINSKY: Object to form.

11 THE WITNESS: Not that I can recall, no.

12 Q. Are you aware that when this model was
13 changed from .65 to -- from .15 to .65, that it
14 actually was done internally, the experts were not
15 consulted?

16 MR. DELINSKY: Object to form.

17 That's a false statement.

18 MR. GOETZ: Let me have 10.

19 Q. Are you aware of that?

20 A. No, I did not know that.

21 Q. I might have misspoke, and I believe the
22 experts were told after the fact. And they were
23 surprised at the -- at the departure, but we will see
24 if I'm wrong.

25

1 (CVS-Helfrich-10 was marked for
2 identification.)

3 Q. I'm going to hand to you Exhibit 10.

4 Do you see the last page? It is 88518.

5 A. Yes.

6 Q. And if you turn to the page before it, 88517,
7 that's an email from John Mortelliti to Robert
8 Williamson.

9 MR. DELINSKY: Ms. Helfrich, if you have not
10 seen this document before, I would ask that you take a
11 moment to read it, in full.

12 THE WITNESS: Okay.

13 Q. Can you -- did you get a chance to read it
14 all?

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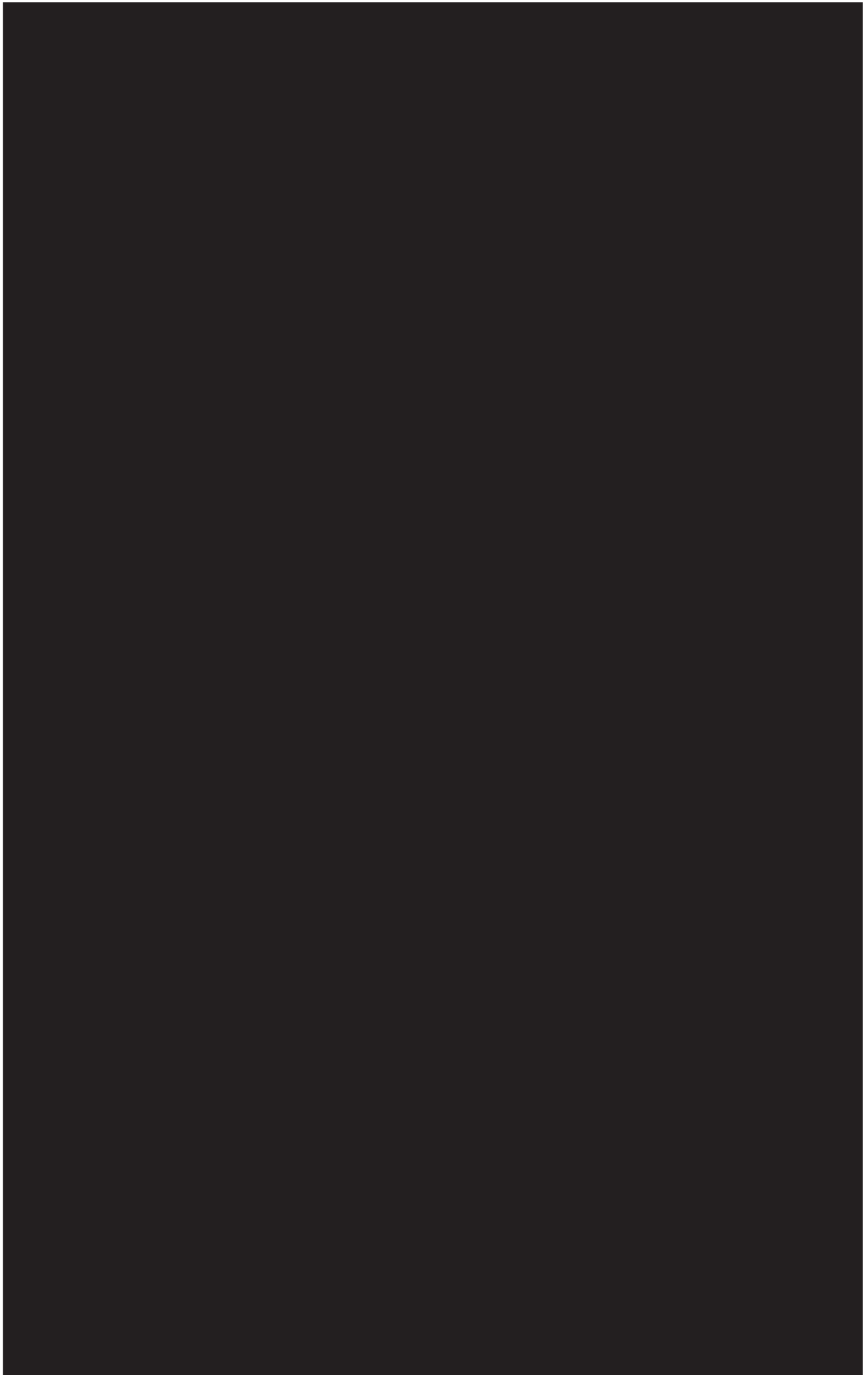
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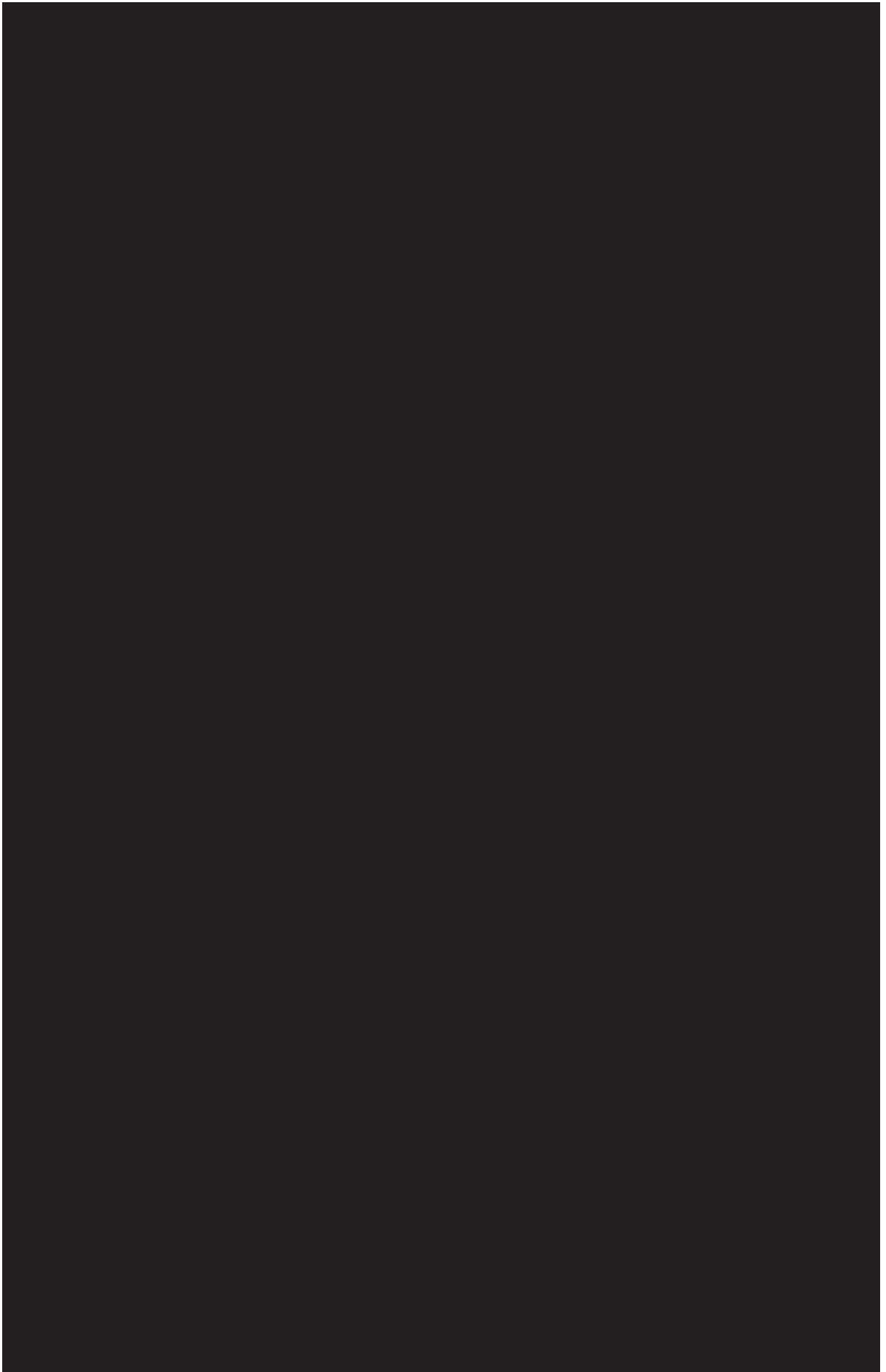
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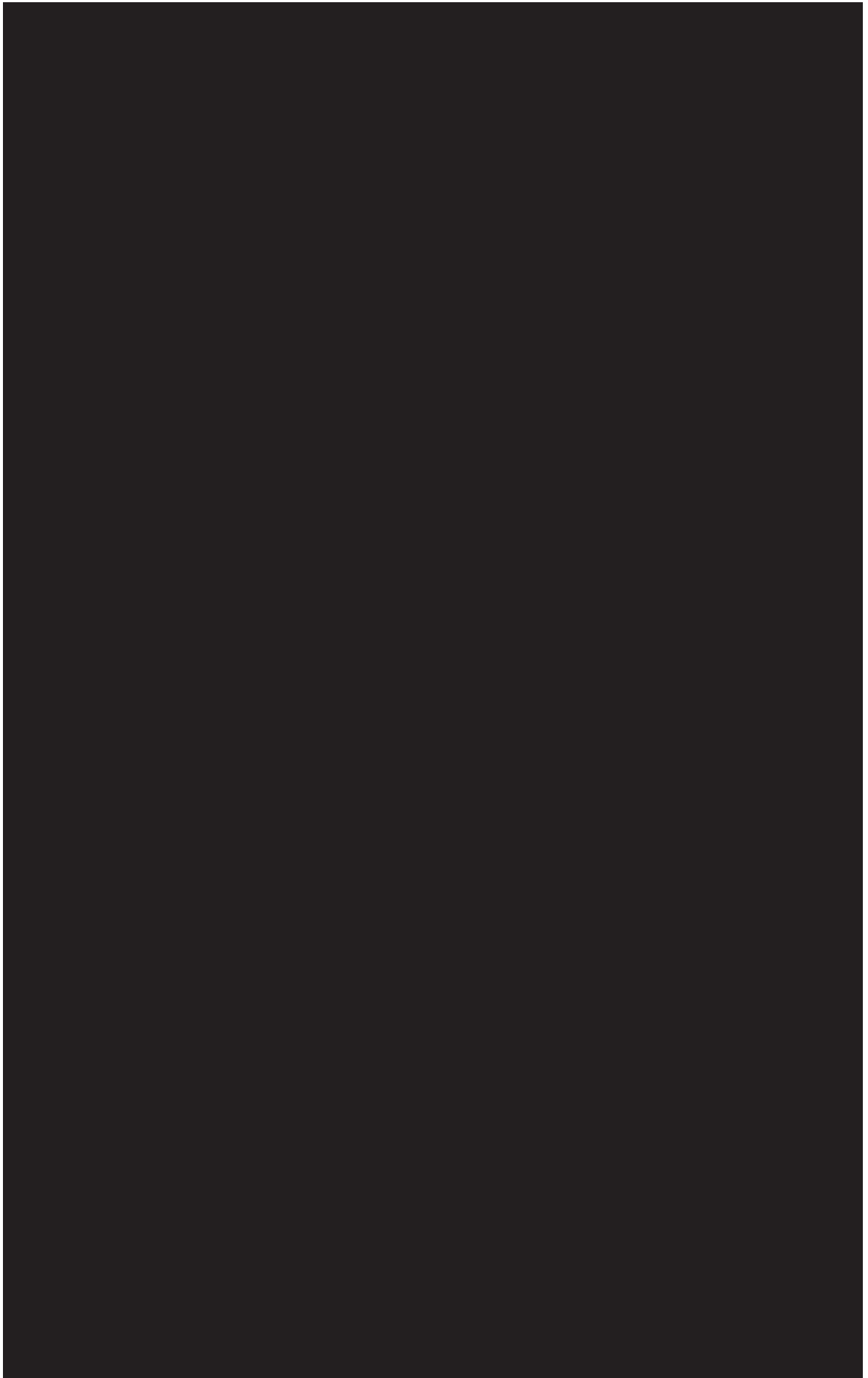
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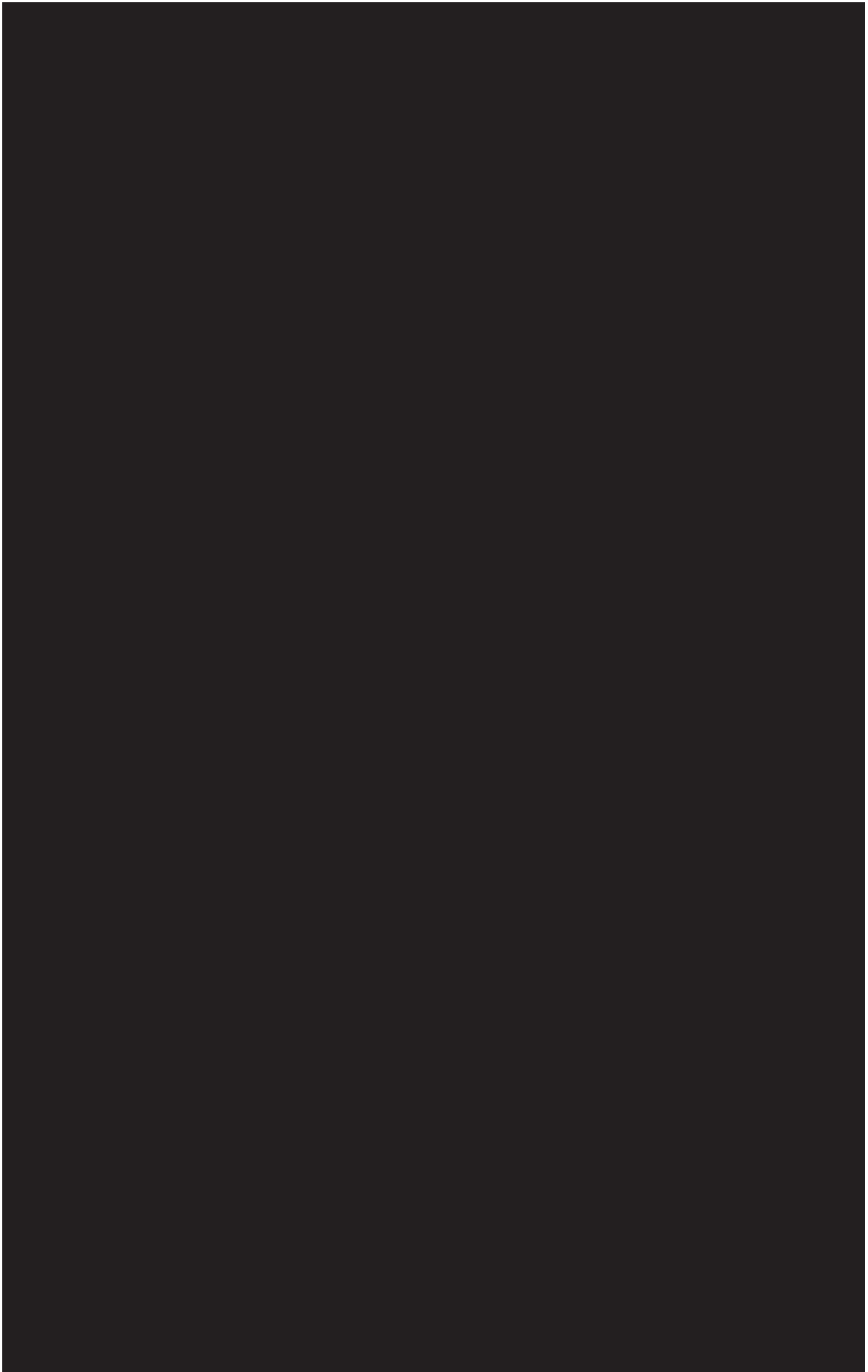
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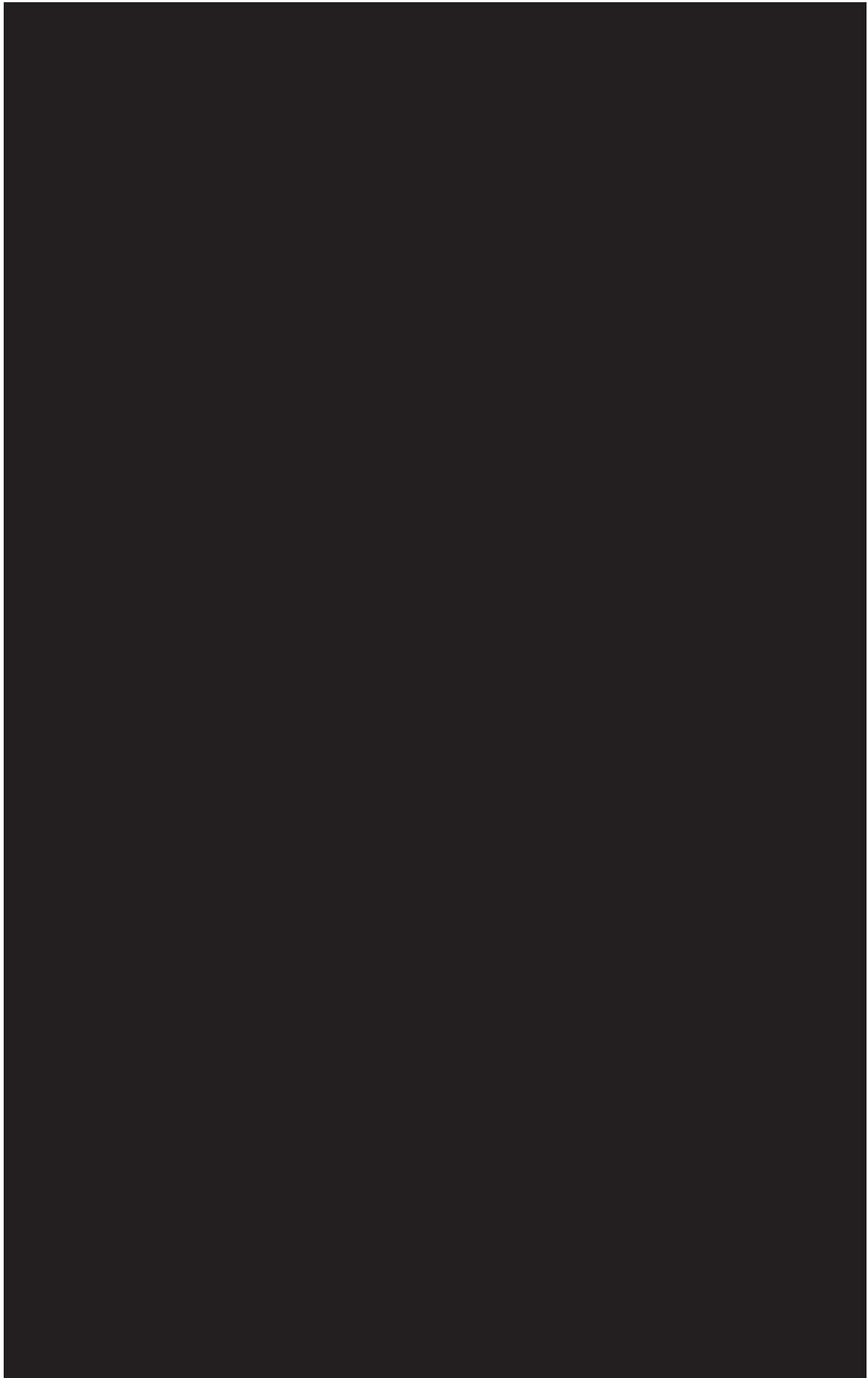
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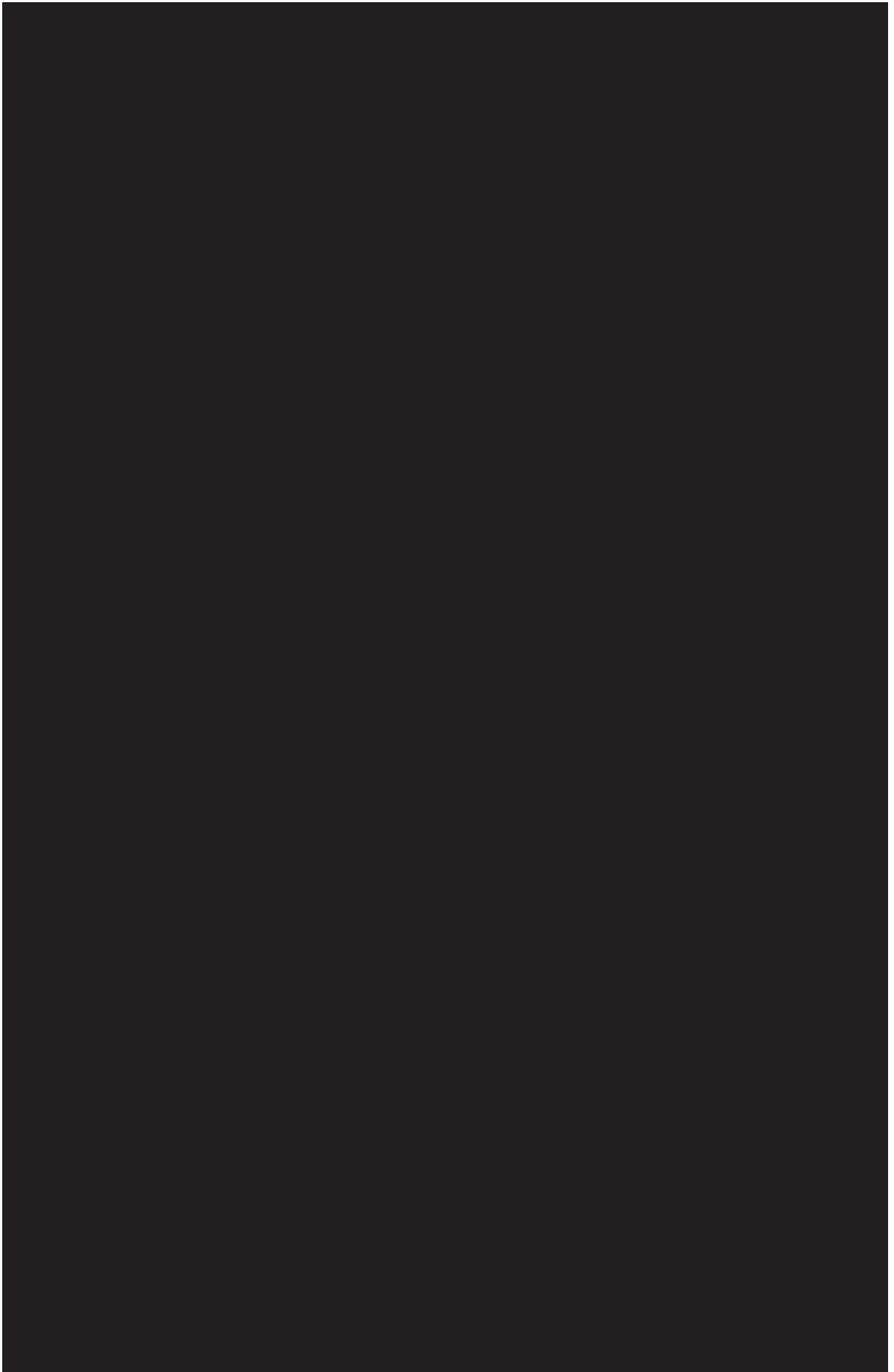
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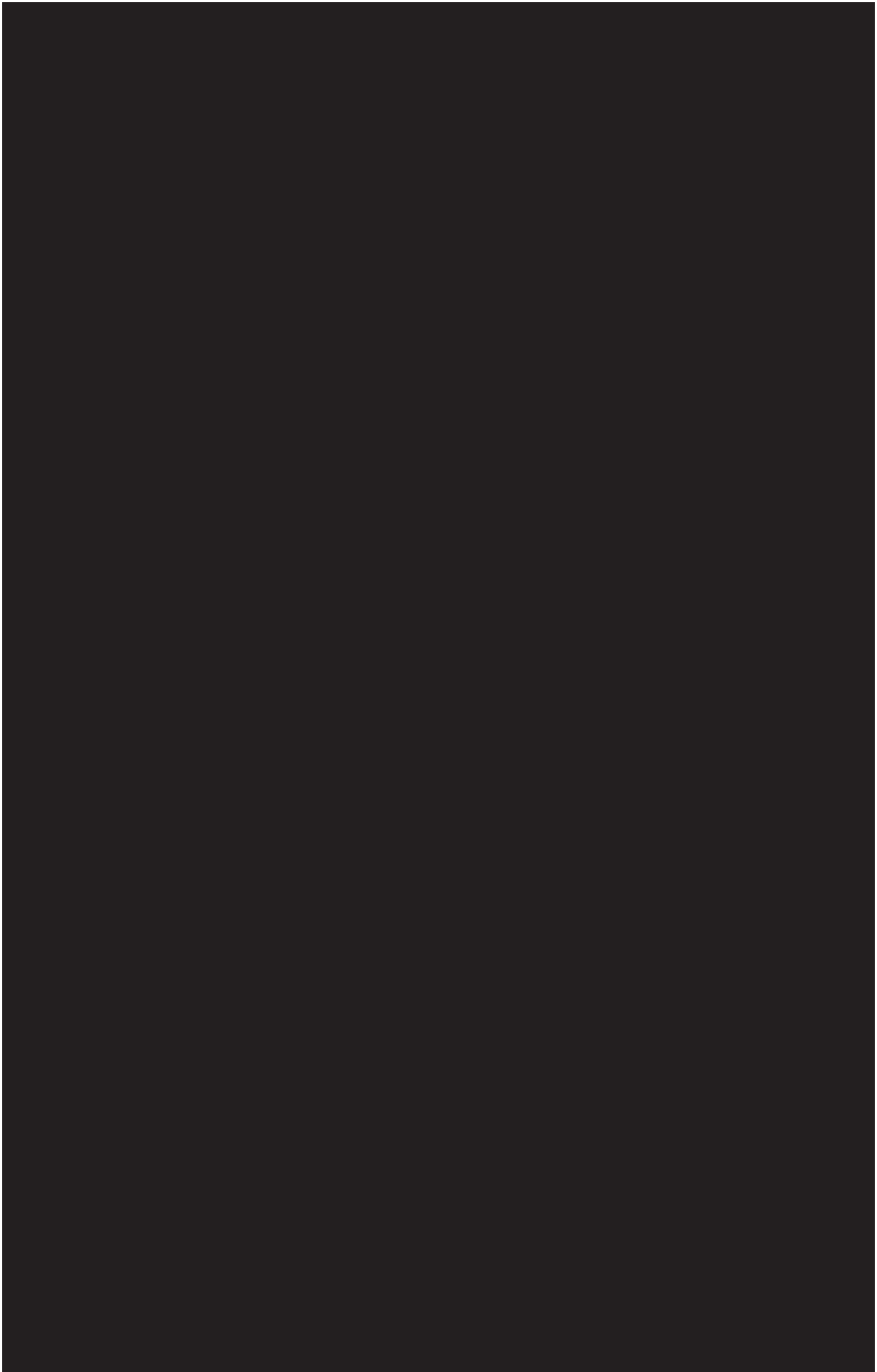
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7 Q. Ms. Helfrich, are you sure you're not
8 confusing this with the new IRR system which came
9 online March of 2014?

10 A. The new IRR system?

11 Q. There was a new SOM system that came online
12 in March of '14, correct?

13 MR. DELINSKY: The wind socket system,
14 Shauna.

15 THE WITNESS: Oh. Okay. Yes.

16 Q. There was correct?

17 A. Yes.

18 Q. And for a period, that system was going --
19 was also out of the Indianapolis distribution center,
20 correct?

21 A. The new SOM?

22 Q. You never worked on that?

23 A. The new SOM?

24 Q. Yes.

25 A. I've seen it. I don't recall working on

1 it.

2 Q. You don't ever recall working on that?

3 A. I don't recall.

4 Q. Did Gary Millikan always work out of the
5 Indiana distribution center in 2014 or did he actually
6 go to Rhode Island?

7 A. From -- I don't know. I don't know Gary.

8 MR. DELINSKY: All right. Let's take a
9 break.

10 THE VIDEOGRAPHER: We are off record at 3:31
11 p.m.

12 (There was a brief recess.)

13 THE VIDEOGRAPHER: We are back on the record
14 at 3:40 p.m.

15 BY MR. GOETZ:

16 Q. Ms. Helfrich, I think the last thing we were
17 talking about is what that data can and can't show.

18 Can that data up there tell me anything about
19 the doctors that had prescribed that drug in the past
20 of patients that use that pharmacy?

21 A. Still not familiar with exactly remembering
22 what this -- but possibly, no.

23 Q. And can that data up there -- strike that.

24 Do you know what the "Trinity" is?

25 A. I have heard of the Trinity. I can't exactly

1 recall which ones are in it.

2 Q. You don't remember?

3 A. I think possibly hydrocodone, maybe
4 oxycodone, and I'm not for sure of the last.

5 Q. So the Trinity was the hydrocodone,
6 benzodiazepine, and a muscle relaxer.

7 Does that refresh your recollection?

8 A. Yes.

9 Q. And benzodiazepine is an anxiety medication,
10 correct?

11 A. Yes, I believe so.

12 Q. Okay. Can -- can that -- and the Trinity was
13 really significant for a SOM program because if you
14 saw those three drugs going out in combination, that
15 was usually an indication of diversion, correct?

16 MR. DELINSKY: Object to form.

17 THE WITNESS: I'm not certain of that. I do
18 remember something in regards to the cocktails that
19 was -- that was of interest if we saw that.

20 Q. Why was it of interest?

21 A. For -- I believe, if recall correctly, I --
22 potential abuse when you get those three together.

23 Q. Can that information up there tell me
24 anything about the Trinity?

25 A. I don't believe so.

1 Q. Can we talk generically about what due
2 diligence can be done to figure out whether or not a
3 order is suspicious?

4 So you can contact and speak to the
5 pharmacist, correct?

6 A. Yes.

7 Q. Okay. And what would you ask the
8 pharmacist?

9 A. I can't recall the exact conversations.

10 I know in -- in general, it regarded to --
11 possibly asking them what their balance on hand was,
12 possibly let them know what was ordered, and my due
13 diligence that I did, what I found.

14 And if they had -- if they had any, you know,
15 patients or doctors of -- of interest. If this was
16 a -- if it was an order that they actually wanted to
17 place.

18 I can't recall what other questions I might
19 have asked.

20 Q. And that information could be important to
21 you in investigating whether or not an order is a
22 potentially suspicious?

23 MR. DELINSKY: Object to form.

24 THE WITNESS: I -- I did not have that -- I
25 did not deem whether an order was suspicious or not.

1 That was actually -- if it was an order I was
2 concerned with, it was elevated up.

3 But those questions could help me figure out
4 what happened in the ordering.

5 Q. How often did you elevate an order?

6 A. That, I -- I don't remember.

7 Q. What was the form that you used to elevate an
8 order?

9 A. I would notify Pam Hinkle and Dean Vanelli of
10 my concerns.

11 Q. How?

12 A. Either via phone or email.

13 Q. And then what would happen to them?

14 A. Then it was out of my hands.

15 Q. You would email them your due diligence,
16 correct?

17 A. Yes.

18 Q. We have not seen one order that you elevated
19 in our discovery.

20 Does that surprise you?

21 A. Considering I know there were orders that I
22 elevated.

23 Q. Would you elevate orders once a week? Once a
24 day? Once a month?

25 Approximately how often?

1 A. I don't -- I don't remember.

2 Q. I need some -- you have no idea whether it
3 was once day or once every six months?

4 MR. DELINSKY: Object to form.

5 THE WITNESS: Not -- every day was different.
6 I just don't remember.

7 Q. Could have elevated an order once every six
8 months?

9 MR. DELINSKY: Object to form.

10 THE WITNESS: I don't remember.

11 Q. Once every eight months?

12 MR. DELINSKY: Object to form.

13 THE WITNESS: I don't remember.

14 Q. Once every nine months?

15 A. I don't remember.

16 Q. Did you have a subject line you would put on
17 there when you would elevate an order?

18 A. I believe there is something that I put in
19 the email. I just don't recall what it was exactly.

20 Q. And you would attach and send your due
21 diligence when you sent that email?

22 MR. DELINSKY: Object to form.

23 THE WITNESS: I don't remember if it was
24 attached with that email or -- or later. I -- I
25 believe -- gosh, it's hard to recall.

1 I want to say, if I recall correctly, it may
2 have been with the initial email.

3 Q. That information you indicated that you could
4 gather from -- that was part of due diligence, decide
5 whether or not to elevate an order by calling the
6 pharmacist, none of that is reflected in the Item
7 Review Report entries, is it?

8 A. No.

9 Q. No?

10 So if you want that due diligence to evaluate
11 an order, you actually have to do that separate due
12 diligence and contact the pharmacist, correct?

13 A. After the review of the IRR?

14 Q. Yes.

15 A. Yes.

16 Q. Yes.

17 If you want to -- okay.

18 And there was actually a pharmacy contact
19 form?

20 A. That, I don't remember.

21 Q. How often did you contact a pharmacy?

22 A. I would contact pharmacies daily.

23 Q. Daily?

24 A. Yes.

25 Q. Would you fill out a form?

1 MR. DELINSKY: Object to form.

2 THE WITNESS: I don't remember.

3 Q. How many times per day do you think that you
4 would contact the pharmacy?

5 A. It varies from day to day, but the calls were
6 frequent.

7 I don't -- I don't remember an actual
8 number.

9 Q. I'm asking you: Was it once a day? Five
10 times a day? Ten times a day?

11 A. I don't remember.

12 Q. Might have been once? It might have been
13 five?

14 A. I don't remember.

15 MR. DELINSKY: Shauna, was there a range that
16 you can recall? It may have been three or something
17 else?

18 THE WITNESS: Oh, man. I know that the calls
19 were -- were frequent, depending on, obviously, the
20 volume.

21 Q. You predominately would call, because we
22 looked at that report earlier that said, was this
23 order a mistake, right?

24 You said fat finger, that was whether or not
25 it was a fat finger, you remember a yes or no?

1 A. Yes.

2 Q. And that is predominantly why you would call
3 and say, "Hey, was this a fat finger?"

4 And you would get a no or a yes, and you
5 would enter that in?

6 MR. DELINSKY: Object to form.

7 THE WITNESS: No. That would -- that's
8 usually information that they would have given me. I
9 don't -- that's not something that I asked them.

10 Q. You would say, "Did you order 50,000 hydros?"

11 And they said, "No, we meant to order 5,000."

12 Is that what you are telling me?

13 MR. DELINSKY: Object to form.

14 THE WITNESS: If there is an error in the
15 order, yeah, they would let me know.

16 Q. Other due diligence that you can do is
17 looking at ordering versus dispensing data.

18 And we have talked about that earlier,
19 correct?

20 A. Yes.

21 Q. Okay. You don't know why -- I remember you
22 are not sure what the significance of it was, but is
23 that showing up there on that report?

24 MR. DELINSKY: Object to form.

25 THE WITNESS: I don't know much about what

1 that -- what that -- I can't really recall what that
2 is showing.

3 Q. Are you finished?

4 A. Yes.

5 Q. So you don't know?

6 A. I don't know.

7 MR. DELINSKY: Object to form.

8 THE WITNESS: I don't recall.

9 Q. Another thing you could do would be to
10 determine whether or not doctors make up a
11 disproportionate share of those prescriptions for a
12 pharmacy, correct?

13 MR. DELINSKY: Object to form.

14 THE WITNESS: Of like -- like top doctors --

15 Q. Yes?

16 A. -- of -- yes.

17 Q. Yeah.

18 You would want to know, what are the top
19 doctors? Who are they? What are their specialties?
20 And how much of this drug are they actually
21 prescribing that -- that is being -- that is being
22 sold at that pharmacy, correct?

23 A. Yes.

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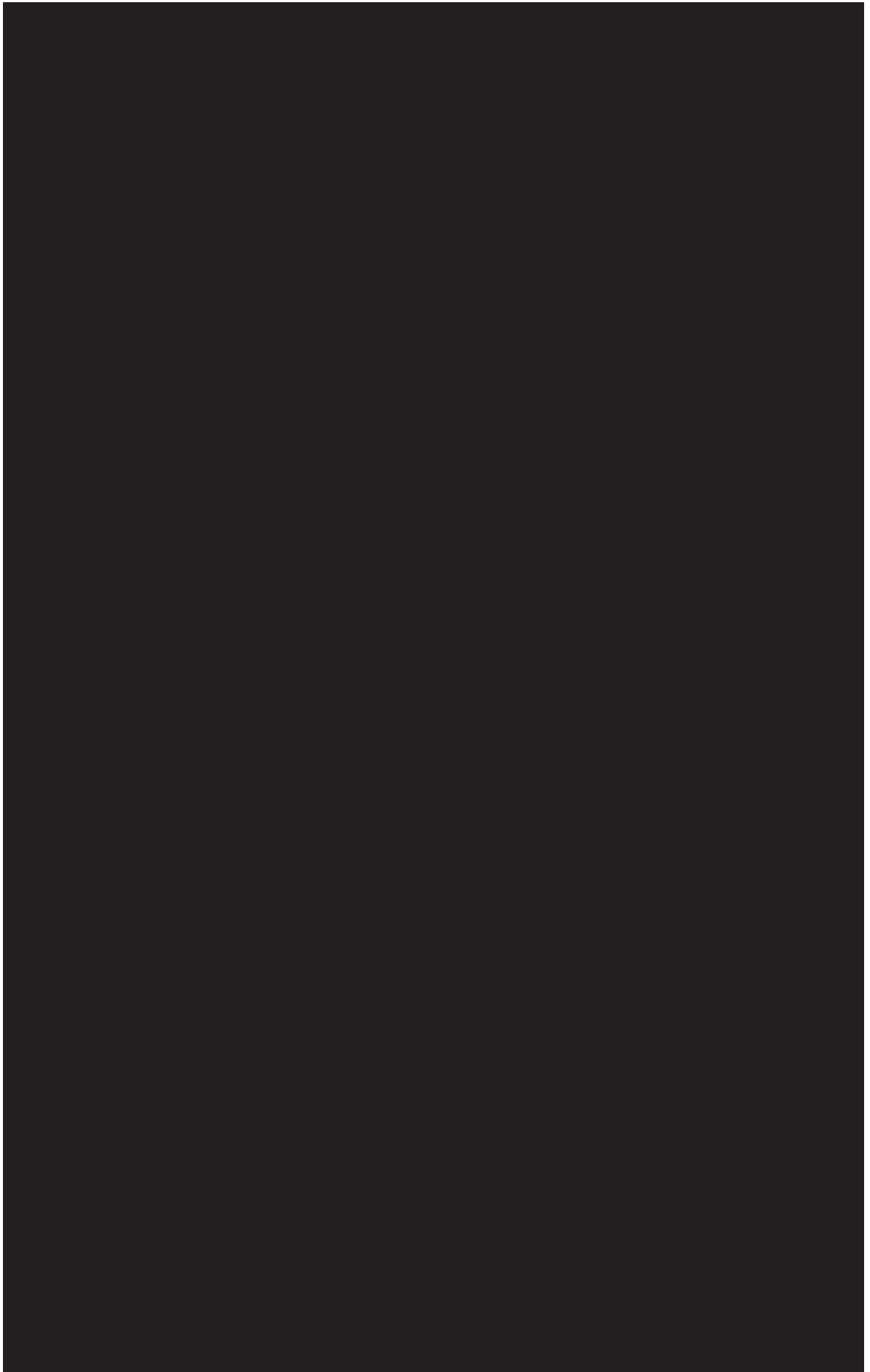
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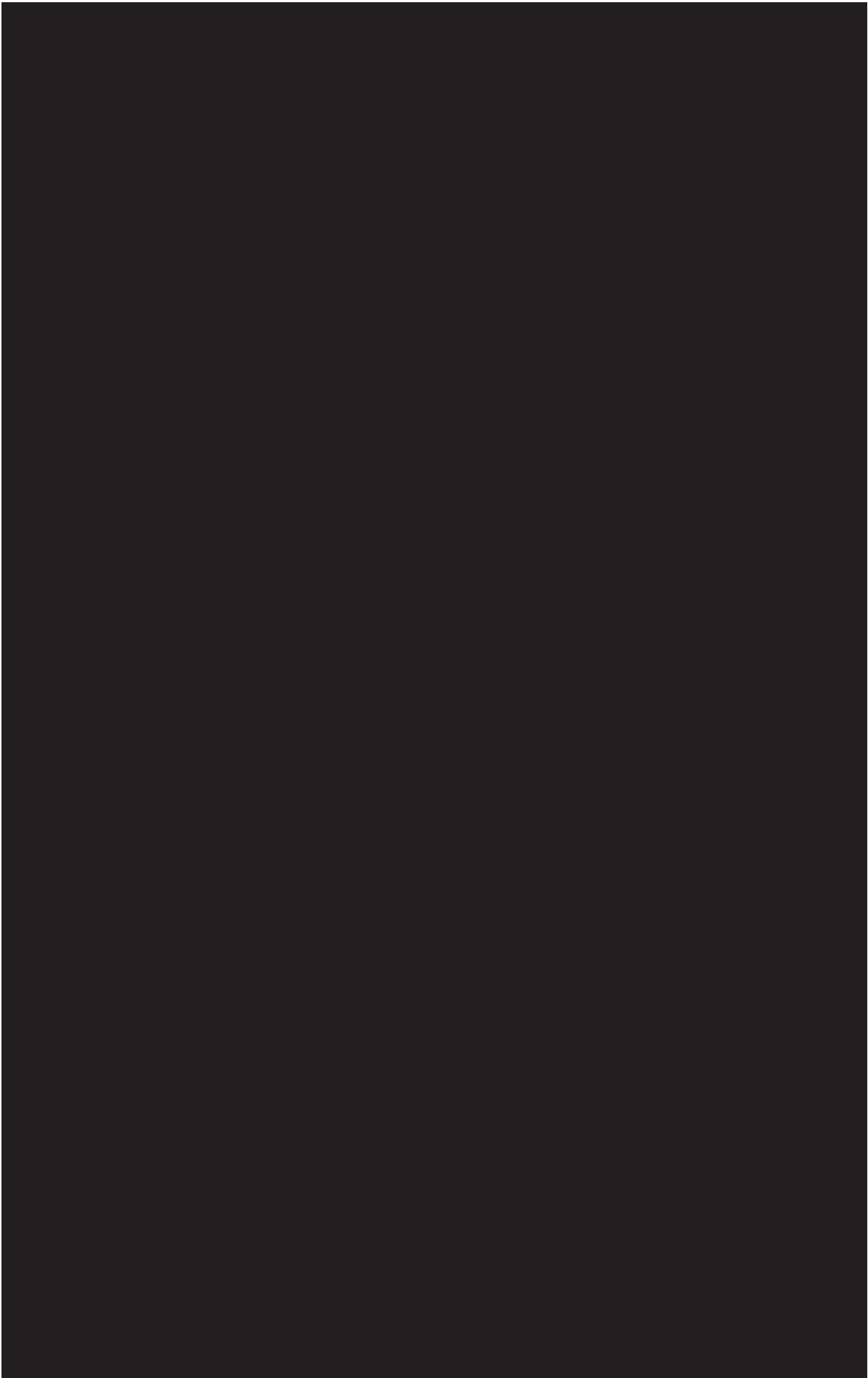
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3 Q. I'm going to hand what you has been marked as
4 CVS Exhibit 25, Helfrich 25. These are notes from the
5 DEA visit.

6 Have you ever seen these notes?

7 A. Not that I can recall.

8 Q. If you look at -- under the second bullet, it
9 says, on the second page, 61235, it says "SOM."

10 MR. DELINSKY: 61235? So it's the second
11 page?

12 MR. GOETZ: You're right. 61235 is the fifth
13 page.

14 Q. That's the SOM section. And it says in the
15 second bullet, "DEA explained that it is imperative
16 that CVS know its customers."

17 Did you know that the DEA believed that that
18 was imperative?

19 MR. DELINSKY: Object to form.

20 THE WITNESS: No.

21 Q. Do you ever learn that it was imperative to
22 know your customers?

23 A. I've heard that phrase before.

24 Q. When?

25 A. I can't recall when.

1 Q. You didn't know it was imperative, it is just
2 a phrase that you heard?

3 A. I did not know.

4 Q. Okay. Can you look at the -- the bottom
5 bullet where it says, "Director Nicastro provided the
6 DEA with examples of actual irregular store orders and
7 the research completed to validate as legitimate.
8 They were impressed with the research and said this is
9 exactly what we want to see."

10 Do you know what they saw?

11 MR. DELINSKY: Object to form.

12 Q. Do you know? I couldn't hear you.

13 A. I can't -- I can't really, I mean, comment on
14 this. I have never -- that I can recall seeing it. I
15 don't know what Mr. Nicastro is -- is -- is saying.

16 We had earlier looked at 35, if you want to
17 look at that. I believe Exhibit 37 might be, but
18 Exhibit 35 is -- is a sample of the due diligence that
19 you had done. Is that --

20 A. I have that.

21 Q. And other than -- strike that.

22 That Exhibit 35 is probably what the type of
23 documents that were shown to the DEA, correct, same
24 time period, same type of investigation?

25 MR. DELINSKY: Object to form. She testified

1 that she had no involvement in communications with the
2 DEA.

3 THE WITNESS: I don't -- I don't know.

4 Q. Other than that investigation that's shown in
5 Exhibit 35, the only two other things that could have
6 been done that we know CVS was doing was calling the
7 pharmacy or running a Store Metrics report, correct?

8 A. From what I can recall, I -- that was my due
9 diligence.

10 Q. Yes. Those three things shown there and then
11 calling a pharmacy, running the Store Metrics report,
12 if you chose to do that, and printing that and putting
13 it in the file, correct?

14 A. Yes.

15 Q. Okay. And so, when they show the DEA the
16 investigation, more than likely we know they're
17 probably showing them those five documents, correct?

18 A. I was not involved in it. I don't -- I don't
19 know.

20 Q. You were doing the investigations around this
21 time period. You were the one doing the
22 investigations. They would have pulled your files for
23 this.

24 A. But I'm not sure exactly what was -- what was
25 given. I don't -- I wasn't -- I wasn't involved.

1 Q. It would have been based upon what
2 investigations you were doing at the time, all five or
3 a -- a portion of those five, some combination of
4 those five?

5 MR. DELINSKY: Object to form. Objection,
6 misstates the testimony. Mischaracterizes the time
7 frame.

8 THE WITNESS: I don't -- I don't -- I don't
9 know.

10 Q. We know your due diligence consisted of
11 either all five of those things that we talked about,
12 those three documents, plus the Store Metrics plus
13 maybe calling the pharmacy, it consisted of one or, in
14 some cases, all five of those items, correct?

15 A. Yes.

16 Q. Okay. If they pulled your due diligence, if
17 they pulled one of your files to show the DEA and they
18 said, "Here's a recent file to show the DEA," they
19 would have pulled one of yours, correct?

20 MR. DELINSKY: Objection. Object to form.
21 Objection. Misstates the evidence and testimony.

22 THE WITNESS: I mean, that's my due
23 diligence.

24 Q. Okay. So let's assume that that's -- they
25 showed them those five documents. The DEA was

1 impressed with that, weren't they?

2 MR. DELINSKY: Object to form.

3 THE WITNESS: I don't feel comfortable
4 commenting on it since I was not involved.

5 Q. Did anybody ever talk to you about this
6 investigation?

7 A. Not that I can remember.

8 Q. You were working in SOM at Indiana, the SOM
9 system in Indiana is subject to a DEA audit, and no
10 one ever spoke to you about it?

11 MR. DELINSKY: Object to form.

12 THE WITNESS: I was aware one was going on,
13 but I -- I did my -- I continued to do my -- do my job
14 as thoroughly as possible.

15 Q. Do you know if the DEA was ever told, "Look
16 at our great due diligence. By the way, we did this
17 on two stores over a one-year period in Cuyahoga and
18 Summit County"?

19 MR. DELINSKY: Object.

20 Q. Do you know if they were ever told that?

21 MR. DELINSKY: Dan, I'm going to instruct the
22 witness -- start instructing the witness not to
23 answer. You are overtly asking her to speculate on
24 conversations and a series of events that she said she
25 didn't participate in.

1 I've given you leash, but this line of
2 questioning has to come to an end.

3 Q. Exhibit 26. Have you ever seen this
4 document?

5 A. I don't recall ever seeing this email.

6 Q. Do you know who Mark Nicastro is?

7 A. Yes. Yes.

8 Q. Who is Mark Nicastro?

9 A. Is the director of the Indianapolis DC.

10 Q. And this appears to be an email from him
11 attaching some files -- some different files and
12 things to Daniel Gillen at the DEA, okay?

13 A. Uh-huh.

14 Q. Can you go to page 410? And if you look at
15 that, page 410 and 411, that is a letter that
16 Mr. Nicastro wrote to Mr. Gillen, it appears.

17 A. Yes.

18 Q. I'm only going to go ask you about one -- one
19 paragraph. It says -- it is at the bottom, the bottom
20 paragraph says, "Any order that is flagged by our SOM
21 model or questioned by our DC team is initially
22 identified as an order of interest and has additional
23 due diligence conducted by the SOM team."

24 Do you see that?

25 A. Yes.

1 Q. That SOM model that he's speaking about, that
2 is the Item Review Report that we have talked about
3 today, correct?

4 A. I believe so.

5 Q. All right. I'm just -- I want to make sure
6 there is nothing else that --

7 A. I -- well, I don't exactly know what he is --

8 Q. So --

9 A. -- trying to say here. I am not him. I
10 can't really comment on what he's -- he's saying.

11 Q. You were doing suspicious order monitoring
12 during this period for the CVS Indiana distribution
13 center.

14 And are you aware of any SOM model other than
15 the IRR algorithm we have talked about today?

16 A. I can't remember. I can't remember.

17 Q. Do you think there might have been another
18 SOM model that you just don't remember about?

19 A. I remember the -- the IRR.

20 Q. Okay. And that was a SOM model?

21 MR. DELINSKY: Object to form.

22 THE WITNESS: I don't know what the language
23 he is -- is using.

24 Q. In November of '13, Mr. Baker was gone,
25 correct?

1 A. I believe so.

2 Q. Aaron Burtner was gone, correct?

3 A. Yes.

4 Q. It was you, and you think it might have been
5 Gary Millikan doing SOM?

6 A. With the assistance of pharma compliance.

7 Q. And pharma compliance would provide -- what
8 did you say -- one person?

9 A. Yes.

10 Q. And would they work for you or would you
11 report to them?

12 A. That, I -- I don't exactly remember a
13 reporting tier of any sort.

14 Q. They were there to help shepherd in the new
15 system, gather all of the data for the new system or
16 no? They were there to do separate SOM?

17 MR. DELINSKY: Object to form.

18 THE WITNESS: I'm not for sure of their -- of
19 their reasoning for being there. I know they were
20 there and they watched over and helped me with what I
21 did.

22 Q. Okay. He says in this -- this sentence, "Any
23 order that is flagged by our SOM model" -- I want you
24 to assume that is the IRR. That's only thing that
25 makes sense. -- "or questioned by our DC team is

1 initially identified as an order of interest and has
2 additional due diligence conducted by the SOM team."

3 Did I read that correctly?

4 MR. DELINSKY: Object to form.

5 THE WITNESS: Yes.

6 Q. That's not true, is it?

7 MR. DELINSKY: Object to form.

8 THE WITNESS: I know -- I know what I did.

9 What was flagged, I did my due diligence.

10 Q. And when you did your due diligence, you
11 printed it and put it in a file?

12 MR. DELINSKY: Object to form. Misstates the
13 testimony.

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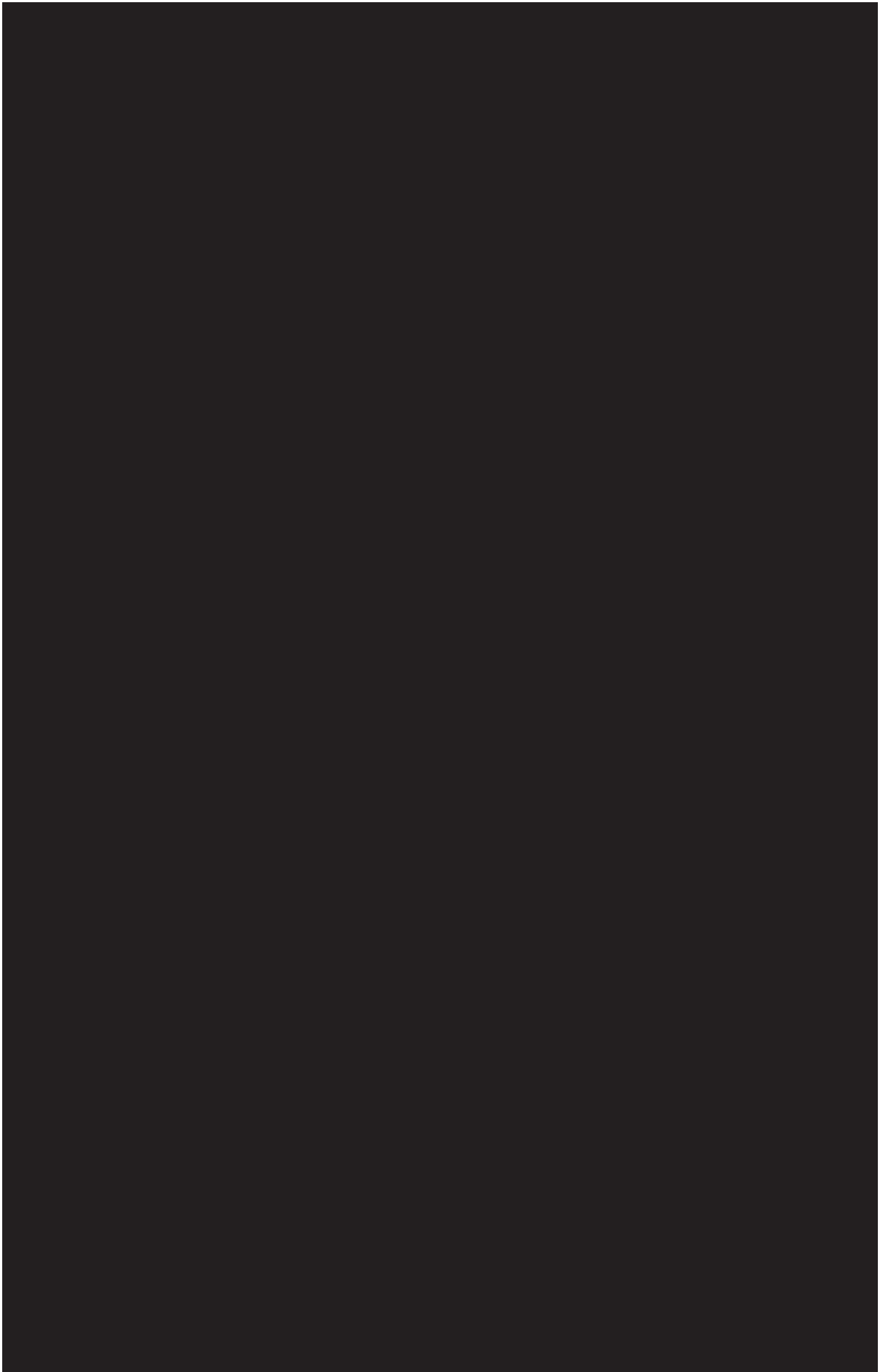
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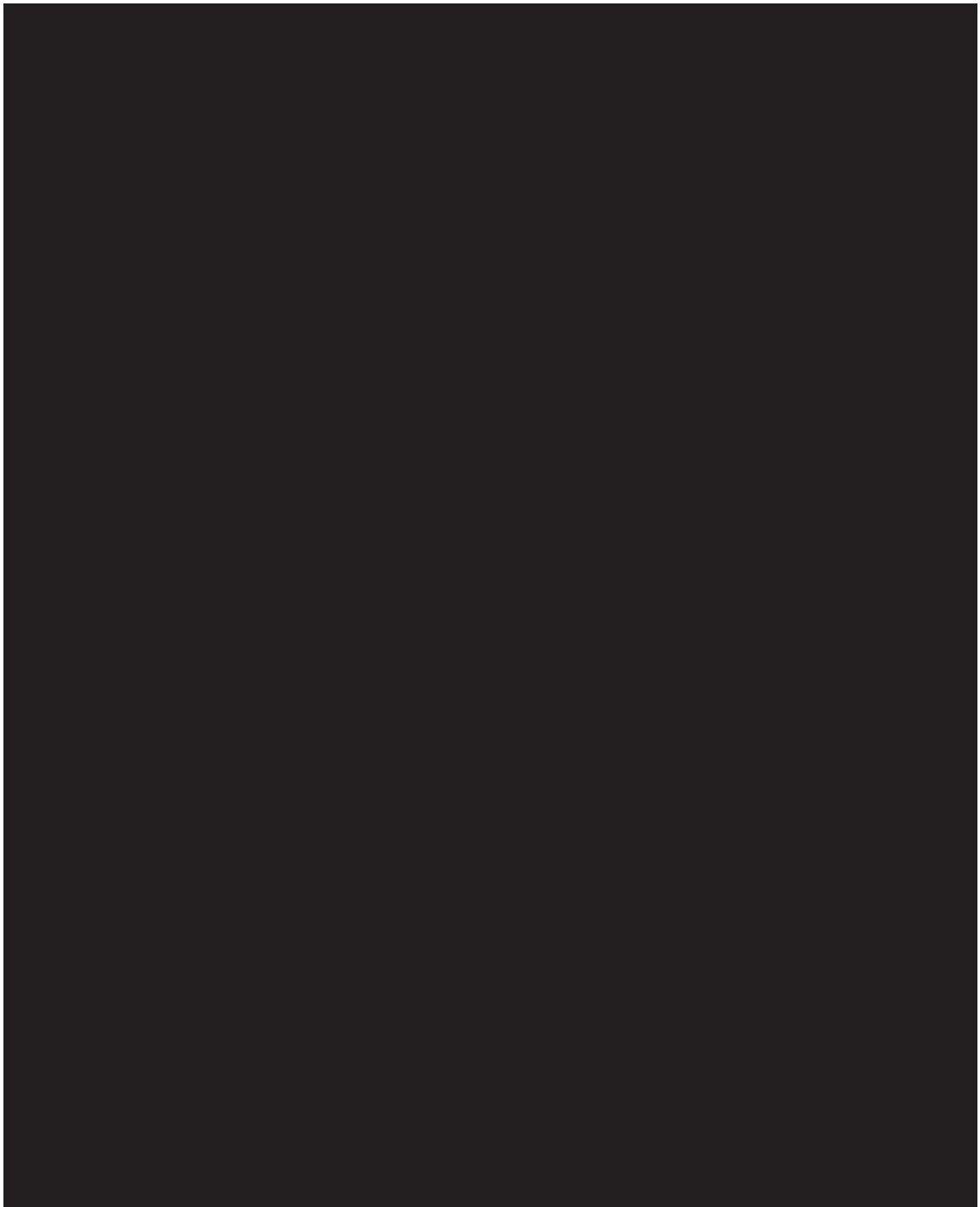
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20 MR. DELINSKY: Dan, I just want to let you
21 know that I have five minutes of questions, so if you
22 want reserve.

23 MR. GOETZ: I'm not sure that's -- that's not
24 rule. If you go five minute, I get five.

25 MR. DELINSKY: Okay. Well, I hope you don't

1 make me miss my plane.

2 MR. GOETZ: I'm doing my best, but --

3 Q. Are you aware that the DEA believed that the
4 Indianapolis distribution center did not have a SOM
5 system in place?

6 MR. DELINSKY: Object to form.

7 THE WITNESS: I was not.

8 Q. You were not aware of that?

9 Does that surprise you?

10 A. Considering I was doing SOM.

11 Q. You would think they would have told you,
12 though, right?

13 That's an email from Mark Nicastro to Dan
14 Gillen. And it appears to recap a call in the -- the
15 second paragraph says, "Regarding our call today. I
16 am disappointed to hear that you do not believe we
17 have a suspicious order monitoring program in place,
18 but I can assure you that we do."

19 No one ever told you that that's what the DEA
20 thought?

21 A. No, not that I recall.

22 Q. You were doing suspicious order monitoring at
23 this time, right?

24 A. Yes.

25

1 (CVS-Helfrich-27 was marked for
2 identification.)

3 Q. Are you aware that the DEA had serious
4 concerns with the amount of -- I'm showing you Exhibit
5 27 -- with the amount of hydrocodone that was being
6 shipped by your distribution center?

7 MR. DELINSKY: Object to form.

8 THE WITNESS: Not that I can recall.

9 Q. Excuse me?

10 A. Not that I can recall.

11 Q. No one ever told you about that, either?

12 A. Not that I can recall.

13 Q. Are you aware that the DEA issued a letter of
14 admonishment related to the SOM program that you were
15 working at for this period, for the Indianapolis
16 distribution center?

17 A. Not that I can recall.

18 (CVS-Helfrich-29 was marked for
19 identification.)

20 Q. Okay. I'm going to show you CVS 29.

21 This relates to the 2013 investigation.

22 Can you read paragraph 1, please?

23 A. Failure to design and maintain a system to
24 detect suspicious and report suspicious orders for
25 Schedule III through V Controlled Substances as

1 required by Title 21, United States Code (USC) 821,
2 Title 21 USC 823(e)(1), and Title 21 Code of Federal
3 Regulations, (CFR) 1301.74 (b) in violation of the
4 Title 21 USC 842(a)(5), in that CVS failed to detect
5 orders that should have been identified as suspicious
6 for retail locations in Vincennes and Kokomo,
7 Indiana.

8 Q. No one ever made you aware of that, that the
9 DEA found that while you were working in the SOM at
10 the Indianapolis distribution center, that it had
11 significant problems?

12 No one ever told you that?

13 MR. DELINSKY: Object to form.

14 THE WITNESS: Not that I can remember.

15 Q. Does that disappoint you?

16 MR. DELINSKY: Object to form.

17 THE WITNESS: I trust if it was something
18 that I needed to know, I would have -- I would --

19 Q. I'm asking if --

20 MR. DELINSKY: Let her finish, Dan.

21 THE WITNESS: -- I would be informed.

22 Q. Does the finding that the DEA issued a letter
23 of admonishment partially related to the period while
24 you were there doing SOM, does that disappoint you?

25 MR. DELINSKY: Object to form.

1 THE WITNESS: I've only seen this for the
2 first time. I can't really comment on the document,
3 but I -- I have not seen.

4 Q. You have no opinion?

5 (CVS-Helfrich-23 was marked for
6 identification.)

7 (CVS-Helfrich-24 was marked for
8 identification.)

9 Q. I'm going to show you Exhibit 23 and 24.

10 I'm only going ask you a couple of brief
11 questions.

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Q. Right. What you had been using, it was --

(CVS-Helfrich-30 was marked for
identification.)

Let me show you Exhibit 30.

MR. DELINSKY: Ms. Helfrich, would you like a
break or are you okay?

MR. GOETZ: We'll do this, and take a break.
It will be two minutes.

THE WITNESS: Restroom.

Q. Do you see 8017?

A. Yes.

Q. Could you look at the next page, please?

1 That's a letter from Elizabeth Ferguson?

2 A. Yes.

3 Q. Do you know who that is?

4 A. Yes, I believe I know her as Betsy.

5 Q. Okay. And she is CVS's legal counsel?

6 A. Yes.

7 Q. And if you look at the front page of that
8 letter, she is writing a letter to Mr. Gillen,
9 correct?

10 A. Yes.

11 Q. And Mr. Gillen is the DEA person that
12 actually audited the Indianapolis distribution center,
13 correct?

14 A. I'm unsure of --

15 Q. In any event, this is her letter to him.

16 And I want to read to you the third
17 paragraph. It says, "As we discussed in the closing
18 interview, in the fall of 2013, CVS had just rolled
19 out a new SOM system and had invested substantial
20 resources to design and implement it."

21 That's not true, is it?

22 A. I'm not --

23 MR. DELINSKY: Object to form.

24 THE WITNESS: I really can't comment on her
25 letter. I don't know what she is meaning.

1 Q. Is that --

2 A. The context.

3 Q. Is that true?

4 Based upon what you know about the CVS SOM
5 system and when it was rolled out, and when it was
6 implemented, and when the new one was in your period
7 there, is that -- is that statement, that in the fall
8 of '13, CVS had just rolled out a new SOM system; is
9 that true?

10 A. Again, I'm not -- I'm not Betsy. I don't
11 exactly know what she's -- what she's saying in her
12 wording.

13 Q. Is it correct?

14 Go back to the rollout page, please?

15 Go back to Exhibit 30, 23 or 24.

16 Go back to Exhibit 23, please.

17 A. Yes.

18 Q. That page clearly says the first time this
19 system goes live in any distribution center was March
20 3rd of '14, correct?

21 A. It looks like --

22 Q. And --

23 A. -- an outline.

24 Q. Look at Exhibit 24.

25 By September 15, 2014, 14 of the 19 DCs are

1 on the new system.

2 So even by then, the system is not fully
3 functional in all of the DCs, is it?

4 A. Seeing this, I can't really comment on it.

5 Q. You can comment on this: When she says, "In
6 the fall of 2013, CVS had just rolled out a new SOM
7 system and had invested substantial resources to
8 design and implement it."

9 MR. DELINSKY: Object to form.

10 BY MR. GOETZ:

11 Q. Either we don't know about what system she
12 talking about -- she is talking about, or this is a
13 misstatement.

14 MR. DELINSKY: Object to form.

15 THE WITNESS: Again, I can't comment on what
16 Betsy is trying -- what she is saying or trying to
17 say.

18 Q. Based on the facts that you know, is that
19 accurate, that statement?

20 MR. DELINSKY: Object to form.

21 BY MR. GOETZ:

22 Q. "As we discussed in the closing interview, in
23 the fall of 2013, CVS had just rolled out a new SOM
24 system and had invested substantial resources to
25 design and implement it."

1 MR. DELINSKY: Object to form. Asked and
2 answered.

3 THE WITNESS: I can't comment on what
4 Betsy --

5 Q. And this letter is dated January 22 of '15.

6 I don't know for sure because we have not
7 gotten the documents, but I do know as of 9-15-2014,
8 four months earlier, it still wasn't operational in
9 five DCs.

10 It might not have even been fully operational
11 when she is writing this letter two years after the
12 fact, correct?

13 MR. DELINSKY: Object to form.

14 THE WITNESS: That I can't comment on it. I
15 don't --

16 Q. Because you don't want to say that it was not
17 an accurate letter?

18 MR. DELINSKY: Object to form.

19 This has been asked and answered several
20 times.

21 MR. GOETZ: I will reserve the rest of my
22 time plus your time when you question.

23 MR. DELINSKY: Well, no, Dan. I don't think
24 that's right.

25 MR. GOETZ: That's how it reads.

1 MR. DELINSKY: Let me see it. I don't
2 believe that is correct.

3 MR. GOETZ: We can take a break. We'll show
4 it to you.

5 MR. DELINSKY: All right. Five minutes.

6 THE VIDEOGRAPHER: We are off record at
7 5:00 p.m.

8 (There was a brief recess.)

9 THE VIDEOGRAPHER: We're back on the record
10 at 5:09 p.m.

11

12 EXAMINATION

13 BY MR. DELINSKY:

14 Q. Ms. Helfrich, have you ever been deposed
15 before?

16 A. No.

17 Q. Have you ever seen a deposition before?

18 A. No.

19 Q. Have you ever testified in court before?

20 A. No.

21 Q. Also, has this deposition been a brand new
22 experience for you?

23 A. Yes.

24 Q. Were you nervous for this deposition?

25 A. Very, yes.

1 Q. Have you ever been nervous -- have you stayed
2 nervous throughout the deposition today?

3 A. Yes.

4 Q. Do you suffer any physical symptoms of your
5 nervousness?

6 A. My neck gets real red.

7 Q. Are you nervous now?

8 A. Yes.

9 Q. Mr. Goetz put a lot of questions to you,
10 correct?

11 A. Yes.

12 Q. Do you feel that you answered all of the
13 questions that Mr. Goetz put to you perfectly?

14 A. No.

15 Q. Was it difficult for you to answer a lot of
16 his questions?

17 A. Yes.

18 Q. Was this process of testifying hard for
19 you?

20 A. Yes.

21 Q. Is that because you're nervous?

22 A. Yes.

23 Q. Is it because this is new for you?

24 A. Yes. Yes.

25 Q. Were many of the questions confusing for you

1 and just hard to answer?

2 A. Yes.

3 Q. Did you still do your best to answer

4 Mr. Goetz's questions as best and as honestly as you

5 were capable of doing in the moment?

6 A. Yes.

7 Q. You were a SOM analyst for CVS many years

8 ago, correct?

9 A. Yes.

10 Q. How many years ago?

11 A. Like, five or so.

12 Q. Do you remember all of the details of what

13 you did as a SOM analyst?

14 A. No.

15 Q. Is that because it was about five years

16 ago?

17 A. Yes.

18 Q. Is it hard to remember -- is it hard for you

19 to remember work that you have not performed for four

20 or five years?

21 A. Yes.

22 Q. Do you remember all of the details of the

23 various documents and reports that related to your SOM

24 work?

25 A. No.

1 Q. Do you remember the details of how you read
2 the IRR?

3 A. No.

4 Q. Do you recall that you understood the IRR at
5 the time you were a SOM analyst?

6 MR. GOETZ: Objection.

7 Q. I'll rephrase the question.

8 Ms. Helfrich, do you recall whether at the
9 time you were a SOM analyst you felt you understood
10 the IRR?

11 A. Yes.

12 Q. Did you understand the IRR at the time that
13 you were a SOM analyst?

14 A. I believe so, yes.

15 Q. Do you have general memory of how you went
16 about your work as a SOM analyst?

17 A. Yes.

18 Q. Do you remember whether you reviewed all of
19 the orders that CVS's system flagged?

20 A. Yes.

21 Q. When you were a SOM analyst, did you always
22 review all of the orders that the system flagged?

23 A. Yes.

24 Q. Ms. Helfrich, do you remember whether you
25 conducted due diligence on flagged orders that you

1 believed was necessary?

2 A. Yes.

3 MR. GOETZ: Objection.

4 Q. When you were a SOM analyst, did you always
5 conduct the due diligence that you believed was
6 necessary?

7 A. Yes.

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4 Q. Do you remember whether you worked hard in
5 reviewing the orders that CVS's SOM system flagged?

6 A. Yes.

7 Q. Did you work hard in reviewing the orders
8 that the system flagged?

9 A. Yes, I did.

10 Q. How hard did you work?

11 A. Very hard.

12 Q. Is it fair to say that you spilled blood,
13 sweat and tears on this?

14 MR. GOETZ: Objection.

15 THE WITNESS: And then some.

16 Q. How early in the day would you get to the
17 office to begin your review?

18 A. 3:00 a.m., at times at 4:00 a.m.

19 Q. Did it depend on the day?

20 A. It did, yeah.

21 Q. Were you able to review all of the orders
22 flagged by the SOM system each day?

23 A. Yes.

24 Q. Was there ever a day when you were unable to
25 review all of the flagged orders?

1 A. No.

2 Q. When you were a SOM analyst, did you always
3 have access to all of the information that you
4 believed you needed --

5 A. Yes.

6 Q. -- to thoroughly review the orders that the
7 SOM system flagged?

8 A. Yes.

9 Q. Did you ever let an order ship that you were
10 concerned might be suspicious?

11 A. No.

12 Q. Did you ever let an order ship that you
13 believed might be misused?

14 UNIDENTIFIED SPEAKER: Objection.

15 THE WITNESS: No.

16 Q. Did you ever let an order ship that you
17 believed had an illegal purpose?

18 UNIDENTIFIED SPEAKER: Objection.

19 THE WITNESS: No.

20 Q. Did you ever let an order ship that you
21 believed might be diverted?

22 UNIDENTIFIED SPEAKER: Objection.

23 THE WITNESS: No.

24 Q. Did CVS ever let an order ship that you had
25 concerns about?

1 A. Not that I can recall.

2 Q. To your knowledge, did you let an order ship
3 that was suspicious in nature?

4 UNIDENTIFIED SPEAKER: Objection.

5 THE WITNESS: Not that I can recall, no.

6 MR. DELINSKY: I have nothing further.

7 RE-EXAMINATION

8 BY MR. GOETZ:

9 Q. Ms. Helfrich --

10 A. Uh-huh.

11 Q. -- I'm going to hand you Exhibit 43. I've
12 already given you this. It is in the record, but you
13 just talked about how hard you worked and you would
14 get there at 3:00 in the morning, correct?

15 A. At times.

16 Q. Okay.

17 A. 3:00 a.m. It varies.

18 Q. We spent a lot of time today looking at an
19 IRR from August 30, 2013, correct?

20 A. Yes.

21 Q. And so for that time period, actually looks
22 like you worked -- the most hours you ever did, you
23 worked 39.98 hours one week and 40 hours the next.

24 Is that what you were talking about your
25 blood, sweat and tears?

1 A. Considering -- yes.

2 Q. And in fact, in August 9th of '13, you worked
3 34 hours one week and 27 the next.

4 That's what you were talking about your
5 blood, sweat and tears?

6 A. When was it?

7 Q. August the 9th, 2013, that pay period.

8 A. I can't recall when I went full time, but,
9 yes, I -- yes.

10 Q. Those were the long hours that you were
11 talking about.

12 Could you go back to exhibit 2, please?

13 It's the large document, probably on the
14 bottom.

15 A. Okay. Yes.

16 Q. And you just -- can you go to 10693, please?

17 And you just testified you conducted due
18 diligence on all SOM system flagged orders that you
19 believed was necessary, correct?

20 MR. DELINSKY: Object to form.

21 THE WITNESS: Yes.

22 Q. Tell me what due diligence would be necessary
23 for this order.

24 A. I don't -- being since it was so long ago and
25 not being in the -- I don't -- I don't remember.

1 Q. Tell me -- tell me whether or not extra due
2 diligence would be necessary on this order.

3 MR. DELINSKY: Object to form. Asked and
4 answered.

5 THE WITNESS: I don't -- I don't remember.

6 Q. So tell me, did do you additional due
7 diligence on this order? Looking at it now, can you
8 tell me?

9 A. I don't remember.

10 Q. So when you testified that you did additional
11 due diligence on all orders that were necessary, what
12 was that based on?

13 MR. DELINSKY: Object to form.

14 THE WITNESS: From what I can remember. I
15 would review the IRR. That's considered due
16 diligence.

17 Q. Okay. So, reviewing the IRR is -- is, in
18 your mind, due diligence, correct?

19 A. Yes. Yes.

20 Q. But as you sit here today, you can't tell me
21 what one of those numbers on that IRR mean, can you?

22 MR. DELINSKY: Object to form.

23 THE WITNESS: But the IRR report that I saw
24 and populated into an Excel spreadsheet looked -- it
25 would look different than this.

1 Q. Well, what -- what -- what numbers were on
2 the IRR spreadsheet that was populated then? I mean,
3 it's the same -- same data, but tell me what was on
4 there that -- that you knew what it meant.

5 A. I don't remember.

6 Q. Okay. And so, when you say -- I'm just
7 trying to figure out when you say, "I did -- every
8 order that needed additional due diligence, I did it,"
9 but you have no idea -- we have no facts what that is
10 based upon other than you just saying, "I put my
11 blood, sweat and tears into it and I did it"?

12 MR. DELINSKY: Object to form.

13 THE WITNESS: I don't remember.

14 Q. Not only do you not know what those numbers
15 mean, you can't tell me how they're calculated, can
16 you?

17 MR. DELINSKY: Object to form. Asked and
18 answered.

19 THE WITNESS: I don't remember.

20 Q. And so as you sit here today, you can't tell
21 me whether or not that order is an order that I would
22 -- you would do additional due diligence on, or that
23 order is an order that you would say, "I looked at it,
24 that's my due diligence, I don't need to do anything
25 else"?

1 You have no idea what you would do with that
2 order, do you?

3 MR. DELINSKY: Object to form. Asked and
4 answered.

5 THE WITNESS: I don't remember.

6 Q. Okay. You have no idea, do you?

7 MR. DELINSKY: Same objection.

8 Q. The only thing you remember is that you did
9 appropriate due diligence, but you don't remember any
10 facts surrounding that?

11 MR. DELINSKY: Object to form.

12 THE WITNESS: It was long ago. I don't
13 remember.

14 Q. I understand it was long ago.

15 You were the last person reviewing suspicious
16 orders in CVS Indiana, correct?

17 MR. DELINSKY: Object to form.

18 Q. Correct?

19 A. Yes.

20 Q. You are it? You are the person we have to
21 come to, to get this information from.

22 MR. DELINSKY: I don't believe there is a
23 question, Dan.

24 Q. There is a question.

25 Is there anybody else that was there in March

1 of '14 when this system transferred to Rhode Island,
2 that was full-time reviewing suspicious orders other
3 than you?

4 A. Full-time? Just me.

5 Q. Just you. And so, if you can't give us the
6 information, do you know anybody that can?

7 A. I had help from Gary Millikan.

8 Q. Okay.

9 A. But it was so long ago.

10 Q. And I just want the record to be clear: Over
11 a ten-month period or 11-month period in 2013, we have
12 evidence that CVS did due diligence beyond what is
13 shown on the IRR for one order, for pharmacies in
14 Cuyahoga and Summit County. One order.

15 Do you have any reason to dispute that?

16 MR. DELINSKY: Object to form. Object.

17 Asked and answered.

18 THE WITNESS: I don't remember.

19 Q. Is that a no?

20 Do you have any reason to dispute it? I
21 don't remember of -- you either have facts or you
22 don't have facts.

23 MR. DELINSKY: Same objections.

24 THE WITNESS: I don't remember.

25 Q. I don't understand what that means. I'm

1 asking you: Do you have any evidence to dispute it?

2 MR. DELINSKY: Object to form. Objection.

3 Asked and answered.

4 THE WITNESS: I don't remember.

5 Q. As you sit here today, do you have any
6 evidence to dispute that CVS investigated one order
7 for the CT-1 pharmacies outside of the IRR in 2013?

8 MR. DELINSKY: Object to form. Objection.

9 Asked and answered.

10 THE WITNESS: I don't remember.

11 Q. I don't understand what "I don't remember"
12 means when I'm asking you if you have any evidence.

13 You don't remember if you have evidence?

14 MR. DELINSKY: Objection. Object to form.

15 THE WITNESS: Seems like you're asking me to
16 recall.

17 Q. I'm asking you, as you sit here today, do you
18 dispute that? Today, as you sit here, do you dispute
19 it?

20 MR. DELINSKY: Object to form. Objection,
21 asked and answered.

22 THE WITNESS: It's been many years. I just
23 don't remember.

24 MR. GOETZ: Thank you, Ms. Helfrich.

25 THE VIDEOGRAPHER: We are off the record at

1 5:26 p.m.

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CERTIFICATE

I HEREBY CERTIFY that the
witness was duly sworn by me and that the
deposition is a true record of the
testimony given by the witness.

It not was requested before
completion of the deposition that the
witness, SHAUNA HELFRICH, have the
opportunity to read and sign the
deposition transcript.

Kimberley Ann Keene
Certified Reporter
Notary Public
Dated: January 17, 2019

(The foregoing certification
of this transcript does not apply to any
reproduction of the same by any means,
unless under the direct control and/or
supervision of the certifying reporter.)

1 INSTRUCTIONS TO WITNESS

2

3 Please read your deposition
4 over carefully and make any necessary
5 corrections. You should state the reason
6 in the appropriate space on the errata
7 sheet for any corrections that are made.

8 After doing so, please sign
9 the errata sheet and date it.

10 You are signing same subject
11 to the changes you have noted on the
12 errata sheet, which will be attached to
13 your deposition.

14 It is imperative that you
15 return the original errata sheet to the
16 deposing attorney within thirty (30) days
17 of receipt of the deposition transcript
18 by you. If you fail to do so, the
19 deposition transcript may be deemed to be
20 accurate and may be used in court.

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4 PAGE LINE CHANGE

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6 REASON: _____

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18 REASON: _____

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22 REASON: _____

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24 REASON: _____

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ACKNOWLEDGMENT OF DEPONENT

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4

I, _____, do

5

hereby certify that I have read the

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foregoing pages, and that the same is

7

a correct transcription of the answers

8

given by me to the questions therein

9

propounded, except for the corrections or

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changes in form or substance, if any,

11

noted in the attached Errata Sheet.

12

13

14

15

SHAUNA HELFRICH

DATE

16

17

18

Subscribed and sworn

to before me this

19

_____ day of _____, 20____.

20

My commission expires: _____

21

22

Notary Public

23

24

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1	LAWYER'S NOTES		
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